

SOUTH AFRICA / JUDGMENT

Lebea v Seromo (2025/030885)

[2025] ZAGPJHC 766 (5 August 2025)

[2025] ZAGPJHC 766**COURT**

South Gauteng High Court, Johannesburg

BEFORE

Nieuwoudt

CASE / FILE NUMBER

2025/030885

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Source record**REPUBLIC****OF SOUTH AFRICA****IN****THE HIGH COURT OF SOUTH AFRICA****GAUTENG****LOCAL DIVISION, JOHANNESBURG****Case****Number: 2025-030885****(1)****REPORTABLE: YES****/ NO****(2)****OF INTEREST TO OTHER JUDGES: YES/NO****(3)****REVISED: YES/NO****In****the matter between:****MAMATSHEU GERRISON****LEBEA****Applicant****and****LUCKY PORTIA****SEROMO****Respondent**

JUDGMENT

Nieuwoudt, AJ

- [1] The matter was initially called on 5 August 2025 with Adv Rourke appearing for the Applicant and the Respondent in person.
- [2] From my discussion with the Applicant's counsel and the Respondent it was clear that the relief sought was not opposed by the Respondent, but the Respondent has some concerns about some statements made by the Applicant in his founding affidavit which she was of the opinion were not truthful.
- [3] I asked Adv Rourke to discuss with the Respondent the proposed draft order and adapt it to address her concerns. The court then stood the matter down to 7 August 2025 at 14h00 for the draft order to be made an order of court.
- [4] When the matter was called on the 7th of August 2025 the court was informed that the Respondent was not satisfied with the draft order and more specifically paragraphs 4, 7, 8 and 9. The court then rolled the matter over to 8 August 2025 to be heard virtually.
- [5] On the 8th of August 2025 Adv Rourke and the Respondent in person appeared again. The court specifically requested the Respondent to address the court on paragraph 4 of the draft order which she was still not happy with. In short, her discontent is with the fact that the Applicant is denying paying the lebola in full. He admits to paying the damages for the minor child in question but denies paying the lebola in full.
- [6] Adv Rourke submitted that the Applicant is not willing to admit to that as he denies that the Respondent and him were married in terms of Customary Law. He is therefore not willing to admit to paying lebola in full.
- [7] The Court agreed with Adv Rourke that the full payment of lebola or not is not relevant for the matter before court, i.e. the changing of the minor child's surname and amending the birth registration of the minor child.
- [8] Although the Applicant's parental rights and responsibilities are not in dispute, I am satisfied that he meets the requirements of Section 21 of the Children's Act, Act 38 of 2005 read with Section 26 of the Children's Act which does form part of this application and that the Court can give the relief sought by the Applicant.
- [9] I note the Respondent's dissatisfaction with paragraph 4 of the draft order, but I am not convinced that her dissatisfaction prohibits me from making the order sought by the Applicant.
- [10] The Court also discussed the other paragraphs with her to ensure that she understands them. She confirms that she does but re-iterated her dissatisfaction with paragraph 4.

I therefore make an order in terms of the draft order uploaded to Caselines 013: 4-6

NIEUWOUDT, E

ACTING JUDGE OF THE HIGH COURT

GAUTENG DIVISION, JOHANNESBURG

Date of Hearing:

5 August 2025

Date of Judgment:

8 August 2025

Appearances:

For the Applicant:

Adv M Rourke

Instructed by:

Cavanagh & Richards Attorneys

For the Respondent:

The Respondent in person

Instructed by:

n/a

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