

SOUTH AFRICA / JUDGMENT

Louw v Louw (75723/2010) [2010] ZAGPPHC 244 (22 December 2010)

[2010] ZAGPPHC 244

COURT

North Gauteng High Court, Pretoria

BEFORE

Botha

CASE / FILE NUMBER

75723/2010

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IN

THE HIGH COURT OF SOUTH AFRICA
(NORTH
GAUTENG HIGH COURT, PRETORIA)

DATE:

22 December 2010

CASE

NO: 75723/2010

In

the matter between:

JOHANNA

SUSANNA MARGARETHA LOUW

.....APPLICANT

vs.

SCHALK

WILLEM JURIE

LOUW.....RESPONDENT

JUDGMENT

BOTHA J:

The applicant applies for an order that the minor daughter of the parties, N, be enrolled in the Eduplex Private School in Queenswood

for the 2011 school year. The parties were previously married. N is 11 years old.

On 19 June 2007 the court made an order in terms of which N would spend alternative weeks with each parent. The order provided for therapy and counselling for N and her parents and that the matter could be enrolled before the same judge as a partly heard matter after a report has been received from the post-divorce counsellor and N's therapist that no further therapy and counselling is required.

It is common cause that up till now N has received her schooling in the Revival Christian College, a private faith based school following the so-called ACE (Accelerated Christian Education) curriculum.

The particular school attended by N was situated in Mayville. When the school moved to Montana it became more convenient for N to stay with the respondent.

The applicant now contends that the method of instruction in the ACE schools, not being class bound, is detrimental to the development of N. She submits that she is a child of superior intelligence who has fallen behind, especially in respect of her verbal intelligence. She relied mainly on reports of dr L du Toit and dr Krige.

This is an application that is interlocutory to the partly heard application where the primary residence of N is at stake.

If N were to be moved to the school suggested by the applicant it would entail a disruption in her education.

Depending on the outcome of the main application there may be another disruption in store.

It is obvious that to place N in the school suggested by the applicant would be more burdensome to the respondent.

One can criticise the educational model of ACE schools, depending on one's educational philosophy. It is so that those schools do not provide automatic entrance to universities. At this stage, where N is about to start grade 6, that is not an acute issue.

In my view there is no reason to disturb the existing regime where the main application is still to be decided. Advocate Bosman, who, appeared for the applicant, suggested that the determination of the main application could still be years in the future. I think that is an unduly pessimistic prognostication.

In my view there is no reason to disturb the status quo.

The application is dismissed with costs.

C. BOTHA

JUDGE OF THE HIGH COURT

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