

SOUTH AFRICA / JUDGMENT

O v O (1385/2015) [2016] ZAFSHC 165 (29 September 2016)

[2016] ZAFSHC 165

COURT

Free State High Court, Bloemfontein

BEFORE

C. Reinders

CASE / FILE NUMBER

1385/2015

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IN

THE HIGH COURT OF SOUTH AFRICA,

FREE

STATE DIVISION, BLOEMFONTEIN

Case

No.: 1385/2015

In

the matter between:

J.
D.
O.
Applicant
and
M.
M. H.
O.
Respondent
HEARD

ON:

22
SEPTEMBER 2016

JUDGMENT

BY: C. REINDERS, J

DELIVERED ON: 29 SEPTEMBER 2016

- [1] Mr O. issued an application in terms of Rule 43(6) on 31 May 2016 (“the first Rule 43(6) application”). On 28 July 2016 Mathebula, AJ varied the order of Williams, AJ and ordered Mr O., amongst others, to pay maintenance pendente lite to Ms O. in the amount of R 1 000,00 per month and R 2 500,00 per child per month. Mr O. issued a second Rule 43(6) application on 24 August 2016 (“the second Rule 43(6) application”) praying for an amendment of the order granted by Mathebula, AJ. This is the judgment in the second Rule 43(6) application.
- [2] Having considered the Notice of Motion and other documents filed of record, and having heard Counsel for both parties, the following

orders are granted pendente lite:

1. Both parties shall share equal parental responsibilities and rights in respect of the minor children M. O. and L. O. as contemplated in Section 18 of the Children’s Act 38 of 2005.
2. The primary residence of the minor children shall vest with the Respondent, subject to the Applicant’s reasonable rights of

contact as follows (until L. reaches the age of three years):

2.1 Contact every alternate weekend from a Friday afternoon until a Sunday afternoon at 17h00 at the Applicant’s father’s residence;

2.2 Telephonic or Skype contact every second evening;

2.3 Contact on the birthdays of the children as well as the birthday of the Applicant for at L.st three hours;

2.4 Contact on Father’s day if Father’s day does not fall within a contact weekend of the Applicant, provided that Mother’s day will be spent with the Respondent;

2.5 Contact on every alternate Christmas day for at L.st three hours.

3. The Applicant is ordered to pay maintenance towards the Respondent in the amount of R 1 000-00 per month, the first payment to be before or on 7 October 2016 and thereafter before or on the 7th day of each subsequent month.
4. The Applicant is ordered to pay maintenance towards the minor children in the amount of R 1 500-00 per month per child, the first payment to be before or on 7 October 2016 and thereafter before or on the 7th day of each subsequent month.
5. The cost of this application to be costs in the main action.

C. REINDERS, J

On behalf of Applicant: Adv. J.C. Coetzer

Instructed by:

Lovius Block Attorneys

BLOEMFONTEIN

On behalf of Respondent: Adv. J. Olivier

Rossouws Attorneys

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