

SOUTH AFRICA / JUDGMENT

## S.E.I v R.A.A.M (31604/2020) [2020] ZAGPPHC 439 (11 August 2020)

[2020] ZAGPPHC 439

COURT

North Gauteng High Court, Pretoria

BEFORE

D S Fourie

CASE / FILE NUMBER

31604/2020

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THE

HIGH COURT OF SOUTH AFRICA

(GAUTENG

DIVISION, PRETORIA)

(1)

REPORTABLE:

YES/NO

(2)

OF

INTEREST TO OTHER JUDGES: YES/NO

(3)

REVISED.

CASE

NO: 31604/2020

11/8/2020

In

the matter between: S  
E  
I[...]  
Applicant  
and  
R A A  
M[...]  
Respondent

## JUDGMENT

D S FOURIE, J:

- [1] This is an application in terms whereof the applicant applies for urgent relief with regard to two minor children. The relief claimed is extensive. It relates primarily to daily telephonic or similar communication between the applicant and the two children, access to the children every alternate weekend and school holidays and that the respondent must undergo psychiatric evaluation before 21 August 2020 to ensure that the respondent is mentally sound to look after the children.
- [2] The applicant resides in Durban and the respondent in Centurion. The primary residence of the two minor children is with the respondent. They are a boy who is presently 7 years of age and a six months old girl.
- [3] According to the heads of argument filed on behalf of the applicant it appears that the issues between the parties have been limited, as opposed to what was initially at issue before the Court. Counsel for the applicant points out that the parties have since agreed that a psychiatrist and mediator be appointed by mutual agreement, that the Family Advocate, Pretoria should conduct an investigation to provide a report and that the parties have agreed to the terms of the applicant's daily contact and access to the minor children via telephone and electronic mediums.
- [4] According to counsel for the applicant the only disagreement .between the parties now pertains to:
- [4.1] the duration of the applicant's contact with the two minor children;
- [4.2] whether the applicant shall be entitled to take the boy to Durban, subject to flight and travel times; and
- [4.3] whether the applicant's contact with the boy should be supervised or not.
- [5] In her heads of argument counsel for the respondent confirms that the parties have come to an agreement as explained by counsel for the applicant. Although counsel for the respondent provides more detail about the agreement, it is not necessary to repeat that. The remaining issues have been summarised as follows by counsel for the respondent:

"The only issue outstanding that needs to be adjudicated by the honourable Court is the type of contact that the applicant will exercise to the minor children pending the finalisation of the evaluation."

- [6] Taking into account that the parties have to a large extent been able to agree to interim contact for the applicant with regard to the minor children and that forensic reports regarding the best interests of the children should be obtained, I am of the view that any urgency that might have justified the launching of this application, has now been taken care of. The application is therefore, in my view, no longer urgent and should be struck off the roll.
- [7] That finally brings me to the question of costs. In this regard I take into account the fact that 'the parties have managed to come to an agreement regarding interim access for the applicant which was not previously in place. I also take into account the best interests of the children which also include access of the applicant to them. Having regard to all the facts and circumstances, I am of the view that no order as to costs should be made.

## ORDER

In the result I make the following order:

1. The application is struck off the roll;
2. There shall be no order as to costs.

D S FOURIE

JUDGE OF THE HIGH COURT

PRETORIA

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