

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG**

CASE NO: 2014/ 06944

In the matter between:

CH, ICF

Applicant

And

CH, SJH

Respondent

SUMMARY

SPILG, J:

DIVORCE PROCEEDINGS: RULE 43 (6) VARIATION

- Variation justified where the documents discovered by the respondent for trial demonstrated that there had not been a frank disclosure to the initial court of income or the ability to earn income. This had clearly affected the court's decision.

RULE 43- DISCERNABLE LACK OF FRANKNESS

- In most cases the parties have not reached the stage of discovery where allegations regarding financial ability can be tested, in the present case discovery was made and the discovered documents indicate that the broad canvas painted by the respondent does not reveal the true picture and cannot be relied upon. Since the foundation upon which the figures are provided is unreliable it becomes a pointless exercise to meticulously go through each item. A more robust approach is required where there is a discernible lack of frankness in rule 43 proceedings.