

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

**CASE NO: 28917/2016**

In the matter between:

**Ts, R**

Applicant

and

**Ts, T**

Respondent

**SUMMARY- CONFIDENTIALITY AND RELEVANCE**

**SPILG, J:**

***RULE 43 FINANCIAL DISCLOSURE***

- *After financial disclosure was ordered the respondent contended that certain documents were not relevant and were also confidential*
- *The financial aspects of a rule 43 are directed at providing child maintenance, spousal maintenance or a contribution towards cost. The relative financial obligations of each spouse has nothing to do with the patrimonial consequences of a divorce but everything to do with the application of s 7(1) of the Divorce Act 70 of 1979<sup>1</sup> and, in respect of a contribution towards costs, by ensuring a level playing field when it comes to litigation between them.*
- *On facts of the case and the evident financial structuring of the respondent's affairs, including the use of discretionary trusts it was necessary to have proper financial disclosure in order to determine the rule 43. Company payslips etc insufficient. On the facts the documents were relevant*
- *As to confidentiality it was ordered that the documents may not be published and may only be utilised in relation to any litigation between the applicant and the respondent or the children born of the marriage. This is without prejudice to the rights any person may have to apply to this court that such document or part thereof that might be used in the court proceedings be published.*