

CASE

NO.

706/2005

IN THE HIGH COURT OF SOUTH AFRICA
(BOPHUTHATSWANA PROVINCIAL DIVISION)

In the matter between:

PATIENCE LYDIA KHUMO NDUNA
(*born* **TSITSI**)

APPLICANT

and

JUSTICE MPUBELELO NDUNA

RESPONDENT

JUDGMENT

MONALEDI AJ.

[1] This is an application in terms of Rule 43. It was heard by this Court on 15 September 2005 and judgment was reserved.

[2] The Court came to the conclusion that:

2.1 The Applicant does not incur the expence of R2 500,00 + R600.00 = R3 100.00 rent and electricity since she is still staying with her parents.

2.2 The Court does not find the following expences necessary:

2.1.1 R100.00 amount for educational toys per month;

2.1.2 R200.00 entertainment money;

2.1.3 R200.00 sundry books and magazines.

2.3 The Court finds the R700.00 money for clothes per month to be high.

[3] The Court finds this application to be pre-mature since there are divorce proceedings pending.

3.1 The parties could have had their divorce proceedings dealt with at the Magistrates offices to save on costs.

3.2 The divorce proceedings will determine access and custody of the child as well as maintenance.

[4] The application is dismissed with costs.

S.R. MONALEDI
ACTING JUDGE OF THE HIGH COURT

APPEARANCES

DATE OF HEARING : 15 SEPTEMBER 2005
DATE OF JUDGEMENT : 00 NOVEMBER 2005

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COUNSEL FOR THE APPLICANTS : ADV N. GUTTA

ATTORNEYS FOR THE RESPONDENT : NIENABER & WISSING
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