



THE SUPREME COURT OF APPEAL  
OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal  
Date: 22 March 2012  
Status: Immediate

*Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal*

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**Neutral citation:** *Harlech-Jones v Harlech-Jones* (188/2011) [2012] ZASCA 19 (22 March 2012)

The parties, who were married to each other in December 1972, were divorced in January 2011. In terms of the divorce order, the appellant (the former husband) was ordered to pay the respondent the sum of R2 000 per month as maintenance with effect from 1 February 2011. With leave of the high court, the appellant then appealed to the Supreme Court of Appeal solely against the maintenance order.

By the time the divorce was granted, both parties had formed relationships with other partners, and the respondent had been living for some eight years with another man who fully and unconditionally maintained her. The Supreme Court of Appeal rejected the contention that it would be against public policy for a woman to receive support from two men at the same time, and concluded that public policy did not demand that a person who cohabits with another should for that reason alone be barred from claiming maintenance from his or her spouse. However, in the light of the facts of the present case, where the respondent was being fully maintained by the man with whom she had been living for years in a permanent

relationship in which each regarded the other as his or her partner in life, the respondent had failed to show that she was entitled to receive maintenance from her former husband.

The appeal therefore succeeded, and the maintenance order was set aside.

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