



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 29 May 2014
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.

Moropane v Southon (755/12) [2014] ZASCA 76 (29 May 2014)

The SCA today dismissed with costs an appeal by Mr Mohau Jackson Moropane against a judgment of the South Gauteng High Court (Johannesburg).

The high court declared that both Mr Moropane and Ms Southon were validly married to each other in terms of customary law on 17 April 2002. In addition, the court dissolved the customary law on the basis of irretrievable breakdown and ordered that the joint estate between the parties be divided. However, the respondent's counterclaim for maintenance was dismissed as the high court found that the respondent had not proved that she was in need of maintenance.

Essentially the SCA found that, based on certain events which took place on 17 April 2002, together with the photographs which were admitted as exhibits and the circumstances surrounding the life of the parties after 17 April 2002, in particular, the fact that the parties stayed together in one home as husband and wife for almost 8 years, and further that on various occasions and in public, the appellant called the respondent his wife, that the probabilities were overwhelmingly in favour of the finding that the parties intended to conclude a customary marriage and that, indeed, a valid customary marriage was negotiated and concluded in accordance with their customs.

As a result, the SCA dismissed the appeal with costs and the order of the high court was confirmed.