



Pincus Matz

ATTORNEYS

DIVORCE

Protecting your rights and interests

We set out to negotiate a fair and equitable settlement for you, while protecting your rights and interests. Should we not reach a settlement through negotiation, only then will we take a matter to trial. The cost of a trial will depend on the complexity of the matter and the time needed to complete it.

SERIOUS ABOUT LAW - PASSIONATE ABOUT PEOPLE

Pincus Matz House, Brodie Road, Wynberg 7800
PO Box 18027 Wynberg 7824 • DoceX No. 7 Wynberg Cape Town South Africa
Tel: +27 (0)21-7978191 • Fax: +27 (0)21-7976013 • E-mail: info@pincus.co.za
www.pincus.co.za

Divorce Procedures

DIVORCE BY CONSENT

Parties agree to the terms of the divorce before judgment is granted

1. Consent Paper Finalised

The consent paper sets out the terms of the divorce as agreed to between the parties. It deals comprehensively with the subject matter of the divorce, such as division of assets and liabilities; maintenance, and parental rights and responsibilities.

2. Summons Issued

Summons is issued and proceedings are commenced.

3. Set Down

The matter is set down to be heard on a date provided by the court.

4. Plaintiff's Appearance at Court

Plaintiff appears before the Court and provides a short testimony. The legal representative will ask the Plaintiff leading questions, guiding him/her through the process.

5. Order Granted

Divorce order granted in terms of the consent paper.

UNDEFENDED DIVORCES

No notice of Intention to Defend is filed

1. Divorce Ordered by Default

A request is made to Court that judgment be entered in favour of the Plaintiff and that a divorce order be granted in terms of the Plaintiff's claims.

DEFENDED DIVORCE

Notice of Intention to Defend is filed

1. Exchange of Pleadings

The parties enter into an exchange of pleadings. This process provides an equal opportunity for the parties to place their version of events before the Court.

2. Pre-Trial

The parties exchange documents and other information they intend to use during the trial. The parties also agree on the issues in dispute in order to facilitate and expedite the trial process.

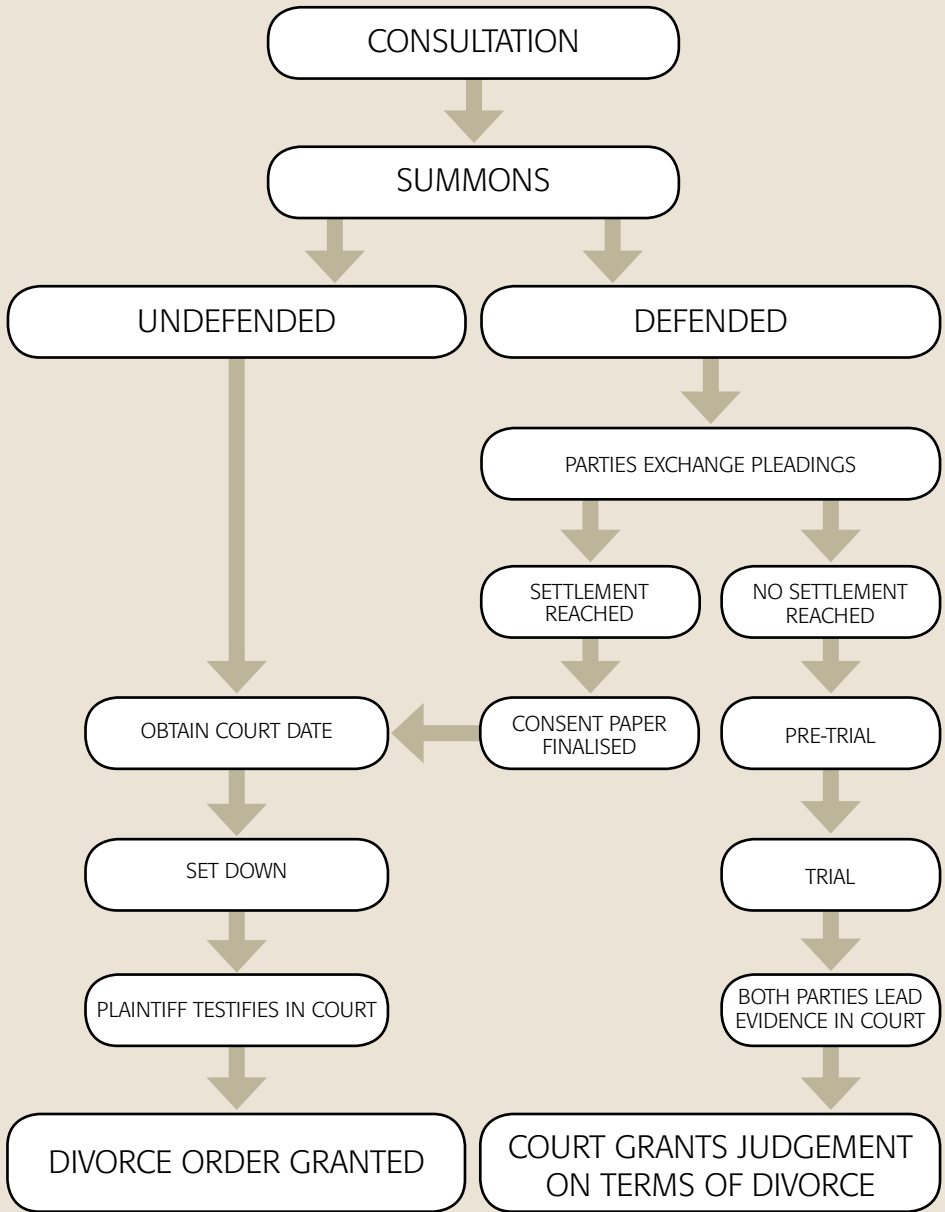
3. Trial

Argument is heard and evidence is led by the parties. The parties play an active role in the proceedings by providing evidence by way of oral testimony.

4. Judgment

The court considers the subject matter of the divorce with regards to the evidence led and the applicable law and hands down judgment.

The Divorce Process



AUG 2019

DISCLAIMER: The Rules of Court provide that orders for ancillary relief may be sought while the divorce action is still pending. Orders may be granted regarding the interim care of and contact with children, spousal maintenance and costs of the divorce proceedings.