

IN THE HIGH COURT OF SOUTH AFRICA

(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

CASE NO: 1646/01

In the matter between:

JULEIGA DANIELS Applicant

and

ROBIN GRIEVE CAMBPELL N.O. First Respondent

MELISSA FOURIE N.O. Second Respondent

SORAYA DANIELS Third Respondent

ADIELAH JAKOET Fourth Respondent

SHAHIEDA MANUEL Fifth Respondent

MOGAMAT SHARIEF MANUEL Sixth Respondent

SARAH DANIELS Seventh Respondent

MINISTER OF JUSTICE Eighth Respondent

REGISTRAR OF DEEDS Ninth Respondent

MASTER OF THE HIGH COURT Tenth Respondent

GROUNDS OF APPEAL

1. The Learned Judge erred in holding that the word “spouse”, as utilised in the Intestate Succession Act and the Maintenance of Surviving Spouses Act, cannot be interpreted so as to extend to a husband or wife

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in a *de facto* monogamous marriage by Muslim rites.

2. The Learned Judge should have held that the word “spouse”, as utilised in the Intestate Succession Act and the Maintenance of Surviving Spouses Act, can be interpreted so as to extend to a husband or wife in a *de facto* monogamous marriage by Muslim rites and, in view of section 39(2) of the Constitution, should be so interpreted.

SIGNED at **CAPE TOWN** on this day of 2003.

WOMEN’S LEGAL CENTRE

PER:

M O’SULLIVAN

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TO: THE REGISTRAR
High Court
CAPE TOWN

AND TO:

ROBIN GRIEVE CAMPBELL N.O.
MELISSA FOURIE N.O.
First and Second Respondent
C/O Sonnenberg, Hoffmann & Galombik
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