

IN THE CHILDREN'S COURT FOR THE DISTRICT OF JOHANNESBURG CENTRAL  
HELD AT JOHANNESBURG

CASE NO: 14/1/14-39/2024

In the matter between:

**MDENI, LONWABO SALATISO**

Applicant

and

**MKOSANA, MPHO MIMMI**

Respondent

IN RE: LUKHANYO SAZI MKOSANA

("the Minor Child")

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**FILING SHEET**

**(RESPONDENT'S ANSWERING AFFIDAVIT)**

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**PRESENTED HEREWITH FOR FILING:** Respondent's Answering Affidavit.

**SIGNED AND DATED AT JOHANNESBURG ON THE 17<sup>TH</sup> OF APRIL 2025.**



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**KERN, ARMSTRONG & ASSOCIATES**

**Attorneys for the Respondent**

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**REF: G ARMSTRONG/M19**

**TO: THE REGISTRAR OF THE COURT  
JOHANNESBURG**

**AND TO: SALATISO MDENI LONWABO**  
**The Applicant**  
22 Lineata Avenue  
Glenvista  
Johannesburg

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CENTRAL**

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**THE RESPONDENT'S ANSWERING AFFIDAVIT**

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I, the undersigned

**MPHO MIMMI MKOSANA**

do hereby make oath and say that:

1. I am an adult female and the Respondent in this application currently residing at 42 St Swithins Avenue, Auckland Park, Johannesburg.
2. The Parties to these proceedings are as follows:
  - 2.1 The Applicant is Salatiso Lonwabo Mdeni, with identity number: 820916 5689 083 ("the Applicant").



- 2.2 I am the Respondent, with identity number; 820709 0735 088 (“the Respondent and/or I and/or me”).
- 2.3 The minor child is Lukhanyo Sazi Mkosana, with identity number: 180228 6062 085 (“the Minor Child”). He is currently 7 (seven) years old.
3. Save where otherwise stated, the facts deposed to herein are within my personal knowledge and are, to the best of my knowledge and belief, both true and correct.
4. Where I make submissions that are legal nature, I do so on the advice of my legal representatives, which advice I accept as correct. I do not intend thereby to waive any privilege attached to such advice.

#### **PURPOSE OF THIS AFFIDAVIT**

5. I have read the founding affidavit (which has not been commissioned) deposed to by Mr Salatiso Lonwabo Mdeni dated 24 January 2024 in respect of the above-mentioned matter and wish to respond to certain averments made thereto as is more fully set out hereunder. Any allegation not specifically addressed herein is hereby denied.’
6. On 31 March 2025, the Applicant was ordered to deliver a signed affidavit on or before 8 April 2025. He did not deliver a copy to me, and I do not know if he delivered a copy to the Court. I therefore respond to his affidavit, which was not commissioned.

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**Ad paragraphs 1 and 2: Introduction**

7. These paragraphs are noted.

**Ad paragraphs 1,2 and 3: The Parties**

8. These paragraphs are noted.

**Ad paragraph 1: Background**

9. The contents of this paragraph are noted in respect of the personal information in respect of the Applicant, but denied to the extent that they make averments which are false.
10. In respect of sub-paragraphs 1.4 to 1.5, the allegations levelled herein are specifically denied. In amplification, I would like to state that the Applicant sought to appoint a mediator from the Family Advocate's office wanting to have sleepover rights. I disagreed to the request because the Minor Child was still breastfeeding at 11-months-old and could therefore not be away from me overnight. The Applicant followed up with taking the matter to an advocate in the Children's court - who also agreed with me that The Minor Child was too young for sleepover contact. Instead, a half a day on Saturday and 2 (two) 60-minute visits (coming to bathe the Minor Child before bed) was suggested. The bathing of the Minor Child at my house was made difficult by the fact that the Applicant had physically assaulted me, and we had an upcoming court appearance in respect of same. When the Advocate suggested that the Applicant should take the Minor Child to the park, at that time, the Applicant

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refused the offer and only proceeded with the half day contact on Saturdays.

**Ad paragraphs 2:**

11. These allegations are denied. The only time that the Applicant could not see the Minor Child was during the Covid-19 pandemic, which was out of my control. He has seen his son every week since coming back from Port Elizabeth where I gave birth, when he made time to do so.

**Ad paragraphs 3**

12. I deny that the Minor Child is being raised primarily by a nanny and/or my mother. When I am at work, my mother serves as the Minor Child's caregiver, ensuring a stable and nurturing environment.

**Ad paragraphs 4**

13. The contents herein are denied. Following discussions with the Family Advocate, the Minor Child began visiting his father's house for half-day visits in 2019.
14. I categorically refute any claims suggesting that the Minor Child was deprived of proper nutrition. He has consistently been provided a balanced diet, including porridge, fresh fruits, home-cooked vegetables, meats (chicken, beef, lamb, and fish), full-cream dairy products, and eggs. At no point has he been given low-calorie or fat-free meals in my household.
15. Allegations of frequent hospitalization:

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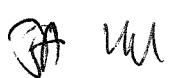
- 15.1 The Minor Child's medical history includes typical childhood illnesses and conditions requiring hospitalization only in specific instances:
- 15.2 Jaundice (common in new-borns due to a blood type mismatch) requiring prolonged monitoring.
- 15.3 A viral infection at one year old necessitating IV hydration.
- 15.4 A UTI during the COVID-19 pandemic, requiring IV-administered antibiotics.
- 15.5 An allergic reaction from an unknown insect bite sustained at Mr. Mdeni's residence, resulting in severe swelling and distress.
- 15.6 The above are limited instances of when the Minor Child required medical attention, which is natural and also not excessive.

**Ad paragraph 5**

- 16. The allegations levelled against me herein are scandalous and denied.

**Ad paragraphs 6 and 7**

- 17. The allegations levelled against me herein are vehemently denied. These allegations are scandalous, vexatious and irrelevant to these proceedings and ought to be struck out.



18. In amplification, I provide herein my personal and professional background:

18.1 I hold two degrees and have travelled extensively.

18.2 I have never concealed the Minor Child from anyone.

18.3 I have been financially independent since 2005, when I left university, and have been self-sufficient since then.

18.4 I was raised in a financially stable, two-parent, middle-class household.

18.5 Notwithstanding the above, the allegations regarding my or the Applicants financial situation have no impact on the best interests of the Minor Child.

18.6 While cohabiting with the Applicant, I was responsible for purchasing household groceries while also maintaining my own residence in Melville.

18.7 I relocated to a cottage on the Applicants property due to his insistence that I rent out my home, though I still had six to seven months remaining on my lease. This arrangement coincided with my exam period, and I sought stability during that time.

18.8 The Applicant has failed and/or refused to make any contribution toward the maintenance needs of the Minor Child, despite me bearing the full financial burden of his care.

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- 18.9 The Respondent is currently solely responsible for all maintenance-related expenses, including but not limited to school fees, food, clothing, healthcare, and extracurricular activities. The issue of maintenance will be dealt with in due course.

**Ad paragraphs 8**

19. The allegations levelled against me herein are vehemently denied. These allegations, *inter alia*, calling me “weak”, having “an inferiority complex”, “bitter” are scandalous, vexatious and irrelevant to these proceedings and should be struck out.

20. Relationship deterioration:

20.1 Our relationship deteriorated due to the Applicant's controlling behaviour, mood swings, and financial dependence on me, including instances where I loaned him money.

20.2 He displayed troubling behaviour, including physically abusing pets and exhibiting violent outbursts. There was even an instance where I applied for a protection order against the Applicant due to him assaulting me and his general abusive mannerism.

20.3 Despite multiple attempts at couples' counselling, the Applicant failed to commit to sessions beyond two visits.



**Ad paragraphs 9 and 10**

21. The allegations levelled against me herein are vehemently denied. These allegations, *inter alia*, stating that “as an equal she failed dismally in every way”, “she can’t cook, nor take care of herself” are scandalous, vexatious and irrelevant to these proceedings and should be struck out.

22. Not that the allegations deserve any response, but for this Honourable Court’s benefit, the living arrangements were as follows:

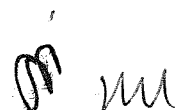
22.1 While cohabiting with the Applicant, I was responsible for purchasing household groceries while also maintaining my own residence in Melville.

22.2 I relocated to a cottage on the Applicant’s property due to his insistence that I rent out my home, though I still had six to seven months remaining on my lease. This arrangement coincided with my exam period, and I sought stability during that time.

22.3 I have cared for the Minor Child for his entire life (several years) and he is thriving under my care, as per the Family Advocate and Counsellors reports.

**Ad paragraph 11**

23. The content herein is denied and the Applicant is put to the proof thereof.



**Ad paragraph 12**

24. The allegations levelled against me herein are vehemently denied. These allegations are scandalous, vexatious and irrelevant to these proceedings and should be struck out, and the Applicant is put to the proof thereof.

**Ad paragraphs 13**

25. The allegations levelled against me herein are vehemently denied. These allegations are scandalous, vexatious and irrelevant to these proceedings and should be struck out, and the Applicant is proof thereof.

26. Pregnancy and Birth:

26.1 The Minor Child was born via C-section due to a large fibroid, a medically necessary decision which would have been explained to the Applicant, had he attended the birth.

26.2 Despite multiple invitations, the Applicant declined to attend prenatal appointments, birth classes, and the delivery.

26.3 Upon my hospitalization post-delivery, the Applicant placed financial conditions on me and forcing me to cover the Minor Childs medical aid costs.

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**Ad paragraphs 14**

27. The allegations levelled against me herein are vehemently denied. These allegations are scandalous, vexatious and irrelevant to these proceedings and should be struck out.

28. Comparative parental involvement:

28.1 Under my care, the Minor Child has consistently engaged in structured, developmental activities that foster both his cognitive and social growth.

28.2 I have sought professional guidance when necessary to ensure his well-being, without hesitation or reluctance.

28.3 Given the above, I respectfully request that the Honourable Court consider the following:

1.1.1 That primary residence of the Minor Child remain with me, as I have provided consistent and stable care since the birth of the Minor Child.

1.1.2 That the Applicants access and contact arrangements continue in a manner that prioritizes the Minor Child's best interests and safety.

1.1.3 That any false or misleading claims made in the Applicants application be scrutinized in light of the facts provided

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herein.

29. Parental Contributions and Support:

29.1 I have ensured the Minor Child's holistic development through structured activities such as swimming, piano lessons, gymnastics, and early education in coding.

29.2 Recognizing his speech delay, I independently sought speech therapy, which has resulted in substantial improvement, despite the Applicant's initial reluctance to acknowledge the issue.

**Ad paragraphs 15**

30. The allegations levelled against me herein are vehemently denied. These allegations are scandalous, vexatious and irrelevant to these proceedings and should be struck out.

**Ad paragraphs 16**

31. The contents herein are noted.

**Ad paragraphs 17 and 18**

32. The allegations levelled against me herein are vehemently denied. These allegations are scandalous, vexatious and irrelevant to these proceedings and should be struck out.



**Ad paragraphs 19, 20, 21, 22**

33. The contents herein are denied, and the Applicant is put to proof thereof.
34. In addition to the above, I have concerns regarding supervision and safety at the Applicants residence:
- 34.1 The Minor Child has been exposed to potentially unsafe situations while in the Applicant's care, including instances of rough play and inadequate supervision.
- 34.2 He once returned home limping, with his father unable to explain the injury.
- 34.3 A teenage cousin at the Applicants home allegedly choked younger children on a trampoline and spoke inappropriately to the Minor Child about sex (the Minor Child is only 7 years old).

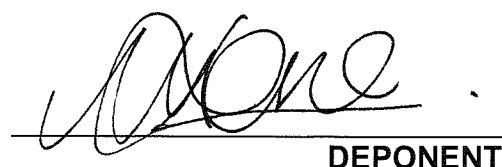
**Ad paragraphs 20, 21, 22**

35. The allegations levelled against me herein are vehemently denied. These allegations are scandalous, vexatious and irrelevant to these proceedings and should be struck out.
36. I am a good mother, that has been the primary parent to the Minor Child since birth, he is safe with me. I have never caused any harm to the Minor child. The Applicant has a disdain for me and is using these proceedings to in a *mala*



*vide* manner to exert revenge. This Court should not allow its processes to be allowed as in the current manner.

37. I reserve my right to supplement this affidavit and also request that the information in the Family Advocate and Counsellors report be read as if specifically included herein.

  
DEPONENT

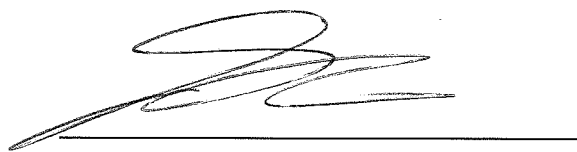
I certify that the deponent has acknowledged that she knows and understands the contents of this affidavit, that she does not have any objection to taking the oath, and that she considers it to be binding on her conscience, and which was sworn to and signed before me at SANDTON on this the 16<sup>TH</sup> day of APRIL 2025 and that the administering oath complied with the regulations in Government Gazette No. R1258 of 21 July 1972, as amended.

COMMISSIONER OF OATHS:

FULL NAMES:

CAPACITY:

ADDRESS:

  
SASHNEE MAISTRY  
EX OFFICIO  
4 SANDOWN VALLEY CRESCENT,  
SANDOWN, SANDTON,  
JOHANNESBURG, 2196

