



REPUBLIC OF SOUTH AFRICA

FORM 4

[Regulation 6]

INTERIM PROTECTION ORDER

SECTION 5(2) OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998)

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF Johannesburg.

HELD AT Magistrate Court. APPLICATION NO. 53 / 2019

In the matter between:

APPLICANT: Mpho Mami Makosana
(*Id.No./Date of Birth: 09/07/1982)

AND

RESPONDENT: Saibiso Lanwabo Mdeni
(*Id.No./Date of Birth: 16/09/1982)

1. PARTICULARS OF RESPONDENT

Home Address: Gylo Group
6 Oak Avenue
Centurion (Tel.No. 084652915)

Work Address: _____ (Tel.No. _____)

Occupation: _____ (Tel.No. _____)

2. PARTICULARS OF APPLICATION

The Applicant has applied for a Protection Order against the Respondent as per the affidavit(s) and record of oral evidence (if any) attached which application has been considered by the Court.

3. ORDER BY COURT AND PARTICULARS OF ORDER

3.1 The Court orders that :

3.1.1 *The application for a Protection Order is dismissed; or

3.1.2 *An Interim Protection Order is granted; and the Respondent is ordered-

3.1.2.1 *not to commit the following act(s) of domestic violence Not to physically and emotionally abuse and intimidate the complainant

3.1.2.2 *not to enlist the help of another person to commit the acts of domestic violence specified in paragraph 3.1.3;

3.1.2.3 *not to enter the shared residence at _____

3.1.2.4 *not to enter the following parts of the shared residence _____
at _____;

3.1.2.5 *not to enter the Complainant's residence at 42 St Swithins Avenue, Auckland park - the complainant's bedroom when Respondent exercises contact with the minor child

3.1.2.6 *not to enter the Complainant's place of employment at _____;

3.1.2.7 *not to prevent the Complainant or any child who ordinarily live(s) or lived in the shared residence at _____
from entering or remaining in the shared residence, or any part thereof;

3.1.2.8 *not to commit any of the following acts, to wit _____

_____;

3.1.2.9 *to make rent or mortgage payments in the sum of R _____ per month / annum;

3.1.2.10 *to pay the sum of R _____ to the Complainant as emergency monetary relief.

4. ADDITIONAL ORDERS

4.1 It is further ordered that :

4.1.1 *A peace officer, namely, _____ accompanies the Applicant to the following residence in order to assist with arrangements regarding the collection of personal property, i.e. _____

4.1.2 *A member of the South African Police Service at _____ seizes the following arm(s) or dangerous weapon(s) in the possession of the Respondent, i.e. _____

4.1.3 *The Complainant's physical address not be disclosed to the Respondent;

4.1.4 *The Respondent is ordered not to have any contact with the following child(ren) _____

4.1.5 *The Respondent is allowed contact with the following child(ren) _____

on the following basis: _____

4.1.6 *The Respondent _____

4.2 A Warrant is authorised for the arrest of the Respondent, the execution of which is suspended subject to the Respondent's compliance with the provisions of the Protection Order as stated above.

4.3 A copy of this order and the warrant of arrest must be forwarded to the Cenurion Police Station, once this interim order has been served on the Respondent.

5. DATE OF CONFIRMATION OF ORDER

5.1 The Respondent is hereby informed of his/her right to appear in the Magistrate's Court at Johannesburg Cenurion on the 28 day of March 2019 at 08:30 in order to give reasons why the interim protection order should not be confirmed and made final; and of his/her right to have the matter heard on an earlier date after at least 24 hours' written notice to the applicant and the aforesaid court.

5.2 The Respondent is further informed that if he or she does not appear in court on the above-mentioned date and time, and the court is satisfied that this notice was properly served on him or her, and is satisfied that he or she committed or is committing an act of domestic violence, this order will be confirmed and made final.

MAGISTRATE

TERESA VOSLOO

MAGISTRATE
Private Bag 904, Johannesburg, 2000
2019 -01- 08
CH FAMILI (COURT) 02
JOHANNESBURG DISTRICT MAGISTRATE'S COURT

*Delete whichever is not applicable

ANNEXURE -3.1.2.8

"DOMESTIC VIOLENCE" means:-

- (a) Physical Abuse.
- (b) Sexual Abuse.
- (c) Emotional and Psychological abuse
- (d) Economic Abuse.
- (e) Intimidation
- (f) Harassment.
- (g) Stalking
- (h) Damage to property.
- (i) Entry into Complainant's residence without consent, where the parties do share same residence; or
- (j) Any other controlling or abusive behaviour towards Complainant;

Where such conduct harms, or may cause imminent harm to the safety, health or wellbeing of the Complainant;

"ECONOMIC ABUSE" includes -

- a) The unreasonable deprivation of economic or financial resource to which a complainant is entitled under law or which the complainant requires for necessity, including rent in respect of the share residence;
- b) The unreasonable disposal of household effects or other property in which the complainant has interest;

"EMERGENCY MONETARY RELIEF" means compensation for monetary losses suffered by a complainant at time of issue as a protection order as result of the Domestic Violence including:-

- a) Loss of earnings.
- b) Medical and Dental experts.
- c) Relocation and accommodation expenses, or
- d) Household necessities.

"EMOTIONAL, VERBAL AND PSYCHOLOGICAL ABUSE" means: - a pattern of degrading or humiliating conduct towards a complainant including:-

- (a) Repeated insult, ridicule or name calling;
- (b) Repeated threats to cause emotional pain, or
- (c) The repeated exhibition of obsessive possessiveness or jealousy, which is such as to constitute a serious invasion of the complainant's privacy, integrity or security,

"HARASSMENT" means: - engaging in a pattern of conduct that includes the fear of harm of complainant including

- (a) Repeatedly watching, or loitering outside of or near the building or place where the complainant reside, work carries on business, studies or happens to be;
- (b) Repeatedly making telephone calls or including another person to make telephone calls to repeatedly Sending, delivering or causing the delivery of letter, telegrams packages, facsimiles, electronic mail or other object to the complainant;
- (c) Repeatedly sending, delivering or causing the delivery of letters, telegrams, packages, Facsimiles, electronic mail or other objects the complainant.

"INTIMIDATION" means: - uttering or conveying a threat, or causing a complainant to receive a threat which includes fear.

MAGISTRATE