

Hoosein v Dangor [2010] 2 All SA 55 (WCC)

Civil procedure - Jurisdiction - Divorce proceedings - Divorce Act 70 of 1979 - Section 2(1) - The court shall have jurisdiction if one or both of the parties to the action is domiciled in the court's area of jurisdiction at the time action is instituted, or is ordinarily resident in the area on the said date or have been ordinarily resident in the republic for a period of not less than year prior to that date.

Constitutional law - Discrimination - Freedom of religion - Recognition of marriages -Islamic personal law - It is competent for a spouse married according to Muslim rites, to apply for an order for maintenance, *pendente lite*, and an order directing the respondent to contribute towards the applicant's costs of a pending matrimonial action even if the validity or lawfulness of such marriage is placed in dispute.

Family law - Divorce - Maintenance - Maintenance *pendente lite* - Contribution towards - Costs - Muslim marriage - Spouse's rights - Uniform Rules of Court - Rule 43 - The constitutional imperatives and the development of the law mean that the word spouse as used in rule 43 included a spouse to a marriage concluded under Islamic law.