IN THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN

Reportable: YES/NO
Of Interest to other Judges: YES/NO
Circulate to Magistrates: YES/NO

Application no: 5111/2023

In the matter between:

MODIEHI EMMINENCE MASOLENG	1st Applicant
KUTLWANO KGATITSOE	2nd Applicant
OGOPOLENG MAPACHANE	3rd Applicant
THEBE THYS	4th Applicant
SYLVIA MATLHAKO	5th Applicant

and

KATLEGO MOLOTO N.O. [In her representative capacity as Executrix of the Late Estate of CT Matlhako: Estate Number 2965/2023]	1st Respondent
THE MASTER OF THE FREE STATE HIGH COURT, BLOEMFONTEIN	2nd Respondent
MOLEFI THOABALA INC	3rd Respondent
OLD MUTUAL LTD	4th Respondent
SANLAM	5th Respondent

CORAM: VAN ZYL, J

HEARD ON: 6 OCTOBER 2023

DELIVERED ON: 27 MARCH 2024

[1] This matter served before me as an urgent application in terms whereof the following relief is being sought in addition to condonation:

> "2. A rule *nisi* is hereby issued calling upon the respondents to show cause, if any … why an order in the following terms should not be made final, that:
>
> 2.1 The First Respondent and the Third Respondent as the agent of the First Respondent are interdicted from performing any functions empowered by the Letter of Executorship issued by the Second Respondent for the Late Estate of Christopher T Matlhako: Estate Number 2965/2023, pending finalisation of the review application of the Second Respondent's decision to appoint the First Respondent as executrix to be brought by the Applicants;
>
> 2.2 The review application for what the Applicants' term an unlawful appointment of the First Respondent by the Second Respondent be filed five (5) days after the grant of the *interim* order in this matter."

[2] During the hearing of oral arguments it became evident that the applicants are seeking the aforesaid relief to serve as an *interim* interdict with immediate effect, pending the finalisation of this application, which relief was, due to an oversight, not included in the notice of motion. I consequently consider this to be part of the relief which is being sought.

Background:

[3] The first applicant, who is the deponent to the founding affidavit, alleges that she is the customary law wife of the late Christopher Tshepo Matlhako ("the deceased"). According to the first applicant she is bringing the application on her own behalf, as well as on behalf of three of the deceased's children, being the second, third and fourth applicants, and also on behalf of the deceased's mother, being the fifth applicant.

[4] The first respondent is the alleged firstborn of the deceased, cited in her capacity as executrix of the deceased's estate. The third respondent is a company of attorneys who was appointed by the first respondent to assist her as her agent in the administration of the deceased's estate. The fourth and fifth respondents are public companies, cited in their capacities as institutions wherein the deceased allegedly held policies, investments, etc.

[5] The alleged status of the first applicant as being the customary wife of the deceased, is being disputed by the first and third respondents. The paternity of the second, third and fourth applicants are also being disputed. The applicants stance is that the first respondent, on the other hand, is also to undergo a paternity test.

[6] According to the applicant she and the deceased had been together as partners since 2011. In September 2022 the

deceased proposed to her. The lobola processes proceeded in terms of the Sesotho and Setswana cultures.

[7] On 17 December 2022, upon conclusion of all the cultural requirements for a customary marriage, the applicant and the deceased celebrated their union with their respective families. Affidavits of the mother of the deceased, the fifth applicant, and the brother of the deceased, Mr Boitumelo Matlhako, are attached to the founding affidavit, in which affidavits the conclusion of a valid customary law marriage between the first applicant and the deceased, which was celebrated on 17 December 2022, are being confirmed.

[8] According to the first applicant, the first respondent was not part of the celebration of the wedding, since she and the deceased had a bad fallout prior to it and they were not on speaking terms at the time and had become estranged.

[9] It is the first applicant's case that she and the deceased intended registering their marriage with the Department of Home Affairs within three months after the celebration thereof, as is required by law. Sadly, the first applicant`s mother passed away on 4 February 2023, confirmation of which is attached to the founding affidavit in the form of a death certificate. The first applicant did not take her mother's passing well. In March 2023, when the first applicant was in a better mental state, the deceased's health took a turn for the worst and he was hospitalised until his passing on 20 April 2023.

[10] Due to the aforesaid circumstances, the deceased and the first applicant never registered their marriage. In May 2023, the first applicant initiated proceedings to have her customary marriage registered in the Regional Court, Bloemfontein, under case number Free State/BFN/RC/696/2023, with the support of the deceased's family. The case is still pending. The first respondent brought an application to be joined in those proceedings and is opposing the application for the said registration. A copy of the notice of motion and founding affidavit were attached to the answering affidavit by the 1st – 3rd respondents.

[11] When the deceased was hospitalised, the first applicant informed the family, including the first respondent, thereof. The first respondent visited the deceased at hospital, but when his condition deteriorated, the first respondent, according to the first applicant, started behaving strangely by attempting to limit access to the deceased and making enquiries about his policies and pension funds.

[12] According to the applicant it came to her attention during May 2023 that the first respondent had been appointed as the Executrix of the deceased's estate. She was perplexed as to how it could have occurred.

***In limine*:**

[13] The first and third respondents raised two points *in liminé*, namely in respect of urgency and secondly, in respect of *locus standi.*

[14] I will deal first with the issue of urgency.

Urgency:

[15] According to the first and third respondents the applicants failed to make out a proper case for purposes of urgency and should any urgency be considered to have been established, such urgency is self-created.

[16] It is trite that a case for urgency needs to be made out in the founding affidavit. It is consequently necessary to consider the events as they unfolded since the time the first applicant became aware of the first respondent's appointment as Executrix, as set out by the first applicant in her founding affidavit. The applicants attempted to supplement their grounds of urgency in their replying affidavit, which is not allowed.

[17] The first applicant does not indicate when in May 2023 the appointment came to her knowledge. However, the first applicant states that upon learning of the said appointment, she engaged the fifth applicant and the deceased's brother in May 2023. According to her they were as perplexed as she was. The deceased's children were then engaged. They are not the biological children of the first applicant. They are the second, third and fourth applicants and a 16-year-old minor, who is not presently before court. Upon engaging the children, they were informed by them that on 1 May 2023, a day after the deceased's funeral, the first respondent invited all the children out for lunch under the guise of getting to know each other

better since it was the first time that some of them met during that stage. The second to fourth applicants relayed how the first respondent stated that she needs them to sign documentation which will allow her to safeguard their interest in the estate (including the interest of the minor child who was allegedly made to sign without the assistance of her guardian). Three affidavits of the second, third and fourth respondents in which they confirm the incident, are attached to the founding affidavit. The affidavit of the third applicant is the most comprehensive and reads as follows:

> "… on the 01/05/23 on Monday after the funeral, Katlego Moloto invited me to lunch with the other siblings namely Pamela and Thebe for us to get to know each other better. At Spur Steak Ranch, Buyane Salman who is the fiancé of Katlego Moloto, came late at the restaurant with a document which he explained is a document that gives him authority to check what we as the children of the deceased are entitled to. We all agreed because we had no reason not to as he is a lawyer by profession. I later found out that Katlego and Buyane excluded all children from being beneficiaries and that is why I declare that I did not give executorship to them because we were manipulated for us to agree and sign the document that Buyane brought on that day."

[18] Armed with the aforesaid information, the first applicant approached the applicants' attorney of record, who made an enquiry from the second respondent ("the Master"). The enquiry revealed that the first respondent reported the deceased's death on 3 May 2023 and the Letters of Executorship was issued on 4 May 2023. In the Death Notice the first respondent cited herself as the only child of the deceased and further stated that the deceased was single.

She did, however, indicate the fifth applicant to be the mother of the deceased.

[19] The applicants' attorney of record objected to the appointment of the first respondent as executrix since, according to the applicants, the appointment was based on misinformation. The letter addressed to the Master is dated 23 May 2023 and *inter alia* stated the following:

> "3. The above estate was reported at your office at the beginning of May 2023 by Katlego Moloto, who claims to be the child and beneficiary of the deceased and that she has been issued with a Letter of Executorship 2965/2023. According to information submitted to your office the executor indicated she is the sole beneficiary of the deceased and that the deceased never married …
>
> However, there is a customary wife, who is in the process of registering the customary marriage with the Department of Home Affairs and other 5 (five) children who did not nominate the heir to be an executor, therefore we implore your good selves to retract withdraw the letter of executorship to allow all the beneficiaries to partake in the process.
>
> 4. We will appreciate if you can issue us with the withdrawal letter as soon as possible, <u>because she has already submitted claims on insurance policies of the deceased</u> and my clients were contacted in that regard." (My emphasis)

[20] The letter was received by the Master's office on 24 May 2023. However, it was already a month later, only on 23 June 2023, that the Master addressed a letter to the third respondent, advising it of the complaint which had been lodged and afforded the third respondent a period of seven days to reply.

[21] On 3 July 2023 the third respondent, under the hand of Buyane Salman (the fiancé of the first respondent) from the third respondent, responded to the Master stating that seven days are "*a deviation from what we are accustomed to when dealing with your office*" and indicated that they will reply within 21 working days. It was further stated in the letter that "*there are certain anomalies in this complaint*" and further "*that the estate is engaging in pending litigation that will have a material bearing on this complaint amongst other things*".

[22] According to the first applicant, the third respondent would have, on the basis of his letter, replied by 24 July 2023. However, this date would actually have been closer to 3 August 2023, since Mr Salman of the third respondent indicated in his letter that he will reply within 21 "*working days*". Be that as it may, at the time of the signing of the founding affidavit, 27 September 2023, to the applicants' knowledge at the time no response had yet been forthcoming from the third respondent (via the Master).

[23] It has now become evident from the answering affidavit that the third respondent indeed reacted to the letter of the Master regarding the complaint by the applicants, which response was by means of a letter dated 25 August 2023, addressed to the Master. According to the first and third respondents the said letter had apparently been forwarded by the Master to the applicants' attorney of record, but for some unknown reason the applicants clearly do not have any knowledge of the said letter.

[24] However, it is common cause that the applicants received a letter, dated 21 July 2023, from Mr Salman of the the third respondent addressed to the applicants' attorney of record. A copy of the said letter is attached to the founding affidavit as annexure "FA14". Although the said letter was not a response to the complaint as such, reference is made to the complaint, averring that by means of the complaint the first and third respondents became aware of the first applicant's intention to apply for the registration of the alleged customary marriage. In the said letter the applicants' attorney of record was advised that the first and third respondents will be opposing the application for registration of a customary marriage, that they are in the process of finalising a High Court application to accept a particular document as the Last Will and Testament of the deceased and a demand was made that the applicants and other family members are to allow the first and third respondents to take control and possession of all the deceased's assets which, at that stage, were in the possession or control of the applicants and other family members.

[25] In my view, considering the contents of the letter of 21 July 2023, it must have been evident to the applicants at that stage already that the first and third respondents were intending to continue with the administration of the estate despite the pending complaint lodged by the applicants. Despite this, the applicants took no further steps other than continue waiting for correspondence which was not forthcoming.

[26] In addition, annexure “FA13” to the founding affidavit reflects an e-mail, dated 22 August 2023, which was sent by the Master to the applicants’ attorney of record wherein he advised the said attorney that he forwarded the complaint to the executor’s agent for comment. The Master furthermore stated the following:

> “Kindly be advised the Master cannot and does not withdraw an appointment letter based on the fact that the (*sic*) is an object (*sic*) lodge (*sic*). We have to provide an opportunity to respond to the other party i.e. hear the other side based on the objection.
>
> The Master has again requested the executor to elaborate on his response with regard to your complaint.
>
> We are awaiting same form the executor.”

[27] Despite having been advised that the Master was not to withdraw the appointment of the Executrix on the mere existence of the complaint, the applicants still failed to take remedial action.

[28] The applicants’ attorney of record requested the Master to provide them with timelines as to when he anticipate receiving the response from the first and third respondents, whereupon the Master responded on 23 August 2023 by means of an e-mail that he provided the third respondent with (an additional) seven working days to reply, calculated from 18 August 2023.

[29] On 30 August 2023 the applicants’ attorney of record addressed a reminder e-mail to the Master.This e-mail reads as follows:

> "1. The above matter together with your e-mail dated 23 August 2023 refers.
> 2. As per your e-mail, you advised that the Executor herein was given seven (7) days from the 18th August 2023 to elaborate on this reply.
> 3. It is common cause that today was the last day for the Executor to reply and you undertook to inform us accordingly.
> 4. We hereby confirm that up to this point, no response has been forwarded to us.
> 5. As a result thereof, we request that the Executor herein be removed as per our objection dated 23rd May 2023. We trust the above is in order and looking forward to your favourable response."

[30] Despite the long time period which had already lapsed by then from 23 May 2023, alternatively from 21 July 2023, alternatively from 22 August 2023, and despite the fact that no response was forthcoming, on the applicants' version, from either the first and third respondents or the Master, the applicants failed to take any steps in an attempt to remedy the situation. Not only did they not launch an interdict application at that stage, but they also failed to make use of their alternative remedies, such as an application to compel the Master and/or a review application in respect of the Master's decision to have appointed the first respondent as Executrix. Had they instituted a review application by then already, it would, in all probability would have been finalised by the time the present application was launched.

[31] Ms Ngubeni, who appeared on behalf of the applicants, relied in her oral arguments on the principles enunciated in **Nelson**

Mandela Metropolitan Municipality & Others v Greyvenouw CC & Others 2004 (2) SA 81 (SE) at para [34]:

> "In this case, the first applicant did not drag its feet. It undertook efforts to resolve the problem that it had found at Crazy Zebra by notifying the owners of their alleged non-compliance with the law, by attending a meeting in an effort to resolve the problem and when that failed, by requiring an undertaking. When that was not forthcoming, it investigated further so that it had evidence of the level of noise emanating from the Crazy Zebra. In my view it approached its statutory duty of safeguarding the rights and interests of rate-payers in a responsible manner by seeking to persuade the respondents to comply and only then approaching the Court for relief. In these circumstances, it cannot be said that the first applicant has been dilatory in bringing the application. There is consequently no merit in this point."

[32] Ms Ngubeni also referred to the judgment of **South African Informal Traders Forum & Others v City of Johannesburg & Others** 2014 (4) SA 371 (CC) at paras [35] to [38], in which judgment the aforesaid principles were confirmed and applied.

[33] However, in the very same **Greyvenouw**-judgment referred to above, the court also referred to the judgment which is considered to be the *locus classicus* on self-created urgency, namely **Schweizer Reneke Vleis (Mkpy) (Edms) Bpk v Minister van Landbou & Andere** 1971 (1) PH F11 (T) where the following was stated at F11 – 12:

> "Volgens die gegewens voor die Hof wil dit vir my voorkom dat die applikant alreeds vir meer as 'n maand weet van die toedrag van sake waarteen daar nou beswaar gemaak word. Die aangeleentheid het slegs dringend geword omdat die applikant getalm het en omdat die tweede

respondent, soos die applikant lankal geweet het, of moes geweet het, van die besigheid in Schweizer-Reneke geopen het. Die applikant mag gewag het vir inligting van die eerste respondent soos in die skrywe aangevra maar dit was geensins nodig vir die doeleindes van hierdie aansoek, wat op die nie-nakoming van die *audi alteram partem*-reël gebaseer is, om so lank te wag om die Hof te nader nie. Al hierdie omstandighede inaggenome is ek nie tevrede dat die applikant voldoende gronde aangevoer het waarom die Hof op hierdie stadium as a saak van dringendheid moet ingryp nie. Ek is dus, in omstandighede, nie bereid om af te sien van die gewone voorskrifte van Reël 6."

[34] In **Tukela v Minister of Public Works** (P578/17) [2017] ZALCPE 29 (19 December 2017) the Court referred to the aforesaid **Schweizer Reneke Vleis**-judgment and held as follows at paras [14] – [15]:

"[14] It is trite that an Applicant cannot create his or her own urgency by delaying bringing an application. This Court will not come to the assistance of an applicant who has delayed approaching the Court. See *National Police Services Union & Others v National Negotiating Forum & Others* (1999) 20 ILJ 1081 (LC) at 1092 paragraph [39] where Van Niekerk, AJ (as he then was) stated the following:

> 'The latitude extended to parties to dispense with the rules of this court in circumstances of urgency is an integral part of a balance that the rules attempt to strike between time-limits that afford parties a considered opportunity to place their respective cases before the court and a recognition that in some instances, the application of the prescribed time-limits or any time-limits at all, might occasion injustice. For that reason, rule 8 permits a departure from the provisions of rule 7, which would otherwise govern an application such as this. But this exception to the norm should not be available to parties who are dilatory to the point where their very inactivity is the cause of the harm on which they rely to seek relief in this court.

> For these reasons, I find that the union has failed to satisfy the requirements relating to urgency.'

[15] I am in light of the afore-going of the view that the Applicant has created her own urgency by the substantial delay. I am of the view that the application falls to be struck of the role."

[35] In **Director of Public Prosecutions (Western Cape) v Midi Television (Pty) Ltd t/a E TV** 2006 (3) SA 92 (C) the aforesaid principle was stated as follows at para [47]:

"[47] The next question to determine is whether the matter was urgent or that an urgency was self-created. It is correct that an applicant cannot create its own urgency by delaying bringing the application until the normal rules can no longer be applied."

[36] Arising from and connected to the aforesaid principle, is the consequent obligation on an applicant in an urgent application to explain all periods of delay for purposes of making out its case for urgency. The relevant principle applicable to condonation applications in this regard is consequently *mutatis mutandis* applicable to an urgent application. In **High Tech Transformers (Pty) Ltd v Lombard** (2012) 33 ILJ 919 (LC) the importance of a reasonable and acceptable explanation for a delay was accentuated at para [25] of the judgment:

"[25] … Condonation is not merely for the asking as was duly pointed out by the court in *NUMSA & another v Hillside Alluminium* [2005] 6 BLLR 601 (LC):

> '[12] Additionally, there should be an acceptable explanation tendered in respect of each period of delay. Condonation is not there simply for the asking. Applications for condonation are not a

> mere formality. The onus rests on the applicant to satisfy the court of the existence of good cause and this requires a full, acceptable and ultimately reasonable explanation. … Nevertheless, to do justice to the aims of the legislation, parties seeking condonation for non-compliance are obliged to set out full explanations for each and every delay throughout the process.'" (My emphasis)

[37] By that time, being 30 August 2023, the applicants must surely have realized that the correspondence is not contributing to a solution, that the first and third respondents were adamant to continue with the administration of the estate and that the Master was not going to withdraw the appointment of the first respondent and/or take any other steps to remove the first respondent as Executrix merely based on the complaint. It must also have been evident That the Master and the third respondent were dragging their feet in finalising the correspondence in relation to the complaint.

[38] The actual grounds for the alleged urgency, are contained in paragraphs 48 and further of the founding affidavit:

> "48. On 21 September 2023, I attended the offices of Old Mutual Ltd to enquire as to the status of my late husband's policies and whether any withdrawals had been made by the Executrix or her agent. I learnt of the following policies held under my late husband`s name with Old Mutual, which were payable to the estate:
>
> 48.1 …
>
> 49. I was also informed about a policy held with Sanlam …
>
> 50. My late husband also had another policy with Sanlam estimated to be …

51. There is a real fear that should the Executrix receive the aforementioned policy pay-outs, the funds will not be used for the benefit of the estate or any of the Applicants which include my late husband`s children and his very elderly mother. His unnamed minor child will also be prejudiced.

52. As Executrix, the First Respondent has access to further prejudice the estate and beneficiaries, including a minor child and an elderly lady.

53. There is a real fear that policies will be paying out imminently and that these funds may be squandered. The Estate will have no way of recovering these funds as the first Respondent is unemployed.

54 Estate properties are at risk of vandalism and theft, due to no action by the First and Third Respondents.

55. The urgency in this matter is palpable and the consequences should this interim interdict not be granted, would be dire for Applicants and the minor child."

[39] The applicants failed to explain the lapse of time between 30 August 2023 and 21 September 2023 and also why they made the enquiries about the policies only on 21 September 2023. This is especially so considering that, on their own version, the applicants have known already on 23 May 2023 that the Executrix "*has already submitted claims on insurance policies of the deceased*", as stated in their letter of complaint addressed to the Master.

[40] In addition, the proceeds from policies would have to be paid into the deceased`s estate bank account. The first and third respondent will not be entitled to "squander" the money as they

deem fit as alleged in the founding affidavit. All monies received from the relevant policies will have to be reflected in the liquidation and distribution account. Should the applicants not be satisfied with the relevant entries in the said account, they will have the alternative remedy of lodging an objection thereto at the Master in terms of section 35 (7) of the Administration of Estates Act, 66 of 1965.

[41] The allegation pertaining to the estate properties which are at risk of vandalism and theft due to non-action by the first and third respondents, is a reference to allegations earlier in the founding affidavit that "*the first and/or third respondents have failed and or neglected to make electricity payments to the municipalities wherein my late husband had homes and the electricity, as well as alarm systems have been disconnected*". From a perusal of the four Municipal tax invoices attached to the founding affidavit in support of these allegations, it is evident that the invoices stretch over the time period of 17 July 2023 to 18 September 2023. The first applicant further alleges that she had to make payments to the said creditors to ensure that some risk is mitigated. The four proof of payment receipts attached to the founding affidavit cover the time period of 5 July 2023 to 11 September 2023.

[42] The problems with regard to non-payment of the relevant creditors therefore originated from and were to the knowledge of the first applicant since July 2023 already. The applicants never lodged a complaint with the Master against the first and third respondents in this regard, nor did they take any other remedial steps. The applicants can therefore not rely on the

said non-payments for purposes of urgency, since, at best for the applicants, it constitutes self-created urgency.

[43] In the circumstances I am not satisfied that the applicants have made out a proper case for purposes of urgency.

[44] However, I do not agree with the contention by Mr Snellenburg, who appeared on behalf of the first and third respondents, assisted by Mr Naidoo, that the conduct of the applicants constituted an abuse of process and that the application should therefore be dismissed.

[45] The application consequently stands to be removed from the roll.

[46] In the circumstances it is unnecessary to deal with the second point *in liminé* and/or with the merits and/or with any other issues raised in the application.

Costs:

[47] Ms Ngubeni submitted that should the applicants be successful with the application, the first respondent and the third respondent should be ordered to pay the costs of the application, the first respondent to pay same *de bonis propriis* in her personal capacity.

[48] Mr Snellenburg submitted that should the first and third respondents be successful, that applicants should be ordered to pay the costs.

[49] In **Law of Costs**, AC Cilliers, October 2023 – SI 48, at para 10.9 the learned author states as follows, with reference to applicable authorties:

> "The general rule that costs follow the event is qualified in litigation concerning deceased estates. In such litigation there is, for instance, the strong possibility that costs may be ordered to come out of the deceased estate, irrespective of the outcome of the proceedings."

The following is stated at para 10.14:

> "The court often orders costs to come out of deceased estates not only where the validity and construction of wills are concerned, but also in matters relating to the general administration of such estates."

[50] The present application fundamentally concerns the administration and the future administration of the deceased`s estate. The first and third respondents are consequently before court in their respective capacities as Executrix and as agent of the Executrix. Without determining the issue of *locus standi,* I deem it necessary to state outright that in terms of section 4(9) of the Recognition of Customary Marriages Act, 120 of 1998, non-registration does not affect the validity of the marriage. Paternity testing may confirm that the second to fourth applicants are the biological children of the deceased. The first to fourth applicants are therefore before court as potential heirs in the presently intestate estate of the deceased.

[51] In my view the concerns raised by the applicants regarding the manner in which the first respondent came to be appointed as

Executrix, are reasonable and especially *bona fide* when considered against the background of the totality of the allegations and circumstances. The said appointment may have a direct impact upon the administration of the estate.

[52] The manner in which the third respondent responded to the correspondence of the Master in respect of the applicants` complaint, does not impress me. It was not for the first and/or third respondent to have determined the time frame within which to respond – they were to adhere to the time frame set by the Master. The impression is that they were loath to respond. This is also evident from the fact that they apparently had the liberty of two extensions of time for purposes of responding to the complaint. This attitude of theirs, together with the Master`s failure to have promptly provided the first and the third respondents with the applicants` complaint, and to have restricted the first and third respondents to the initial time period within which to respond to the complaint, played a significant role in the applicant`s failure to have approached court timeously.

[53] In the circumstances I deem it fair and reasonable that the costs of the application be paid from the estate of the deceased, but that such costs be restricted to a party and party scale.

Order:

[54] I consequently make the following order:

1. The application is removed from the roll.
2. The costs of the application are to be paid from the estate of the late Christopher Tshepo Matlhako, Estate no: 002965/2023 on a party and party scale.

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C. VAN ZYL, J

On behalf of the applicants:	Adv. T. Ngubeni Instructed by: Zwelibanzi Ngququ Inc BLOEMFONTEIN Ref: NGQ 0001 william@zngququattorneys.co.za palesa@zngququattorneys.co.za
On behalf of the 1st and 3rd respondents:	Adv. N. Snellenburg SC Assisted by: Adv. K. Naidoo Instructed by: Thebe Attorneys Inc BLOEMFONTEIN Ref: Molefi Thoabala info@thebeattorneys.co.za