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REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG**

CASE NO: 30210/2015

(1) REPORTABLE: YES/NO
(2) OF INTEREST TO OTHER JUDGES: YES/NO
(3) REVISED

Date:

WHG VAN DER LINDE

In the matter between:

N, R T

Applicant

And

N, N M

First Respondent

MINISTER OF HOME AFFAIRS N.O.

Second Respondent

MASTER OF THE HIGH COURT N.O.

Third Respondent

**NKUNA, NTAOLENG MURIEL N.O.
(ID NUMBER: 52.....)**

Fourth Respondent

Judgement

Van der Linde, J:

- [1] The applicant seeks an order declaring that her civil marriage to the deceased, Mr M J N, on 29 December 1986 was validly entered into, and that the purported civil marriage, ten years later on 15 August 1996, of the first respondent to the deceased, is void ab initio. The applicant's case is founded on a marriage certificate which, prima facie, supports her contention.
- [2] The first respondent also relies on a marriage certificate to support her case of her marriage to the deceased ten years later. Her certificate, like that of the applicant, is also ostensibly signed by an official in the relevant government department, accompanied by a stamp which appears official.
- [3] The difference is this: the identity number of the deceased as appears from his death certificate, being 52....., coincides with the identity number of the groom on the first respondent's marriage certificate, and is different from the identity number of the groom, being 1-5....., as appears on the applicant's marriage certificate.
- [4] A stark factual dispute has thus arisen as to which of these two marriages was lawfully entered into, and it cannot be resolved on these papers. The applicant has proposed a draft order which refers the issue for the hearing of oral evidence; the first respondent argues that it should be referred to trial. The issues as defined on the affidavits is very narrow, and I believe that a reference to oral evidence is this more appropriate.
- [5] In the result I make an order in terms of the draft that I have dated, initialled, and marked "X".

WHG van der Linde
Judge, High Court
Johannesburg

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Date argued: 07 September, 2016
Date of judgment: 08 September, 2016