

REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

CASE NO: 8000/2020

1. REPORTABLE: ~~YES~~/NO
2. OF INTEREST TO OTHER JUDGES: ~~YES~~/NO
3. REVISED: ~~YES~~/NO

DATE: 27/08/2024

SIGNATURE OF JUDGE:

A black rectangular box redacting the signature of the judge.

In the matter between:

TLALI DIKELEDI ALINA

First Applicant

TLALI DIKELEDI ALINA N.O.

Second Applicant

and

GOVERNMENT EMPLOYEES PENSION FUND

First Respondent

MATHENGA MATAKANE ANNY

Second Respondent

MATHENGA MATAKANE ANNY N.O.

Third Respondent

JUDGMENT

Basson AJ

1.

Paragraph 5 of the order of my judgment handed down on 26 August 2024 reads that:

"5. The Second Respondent is interdicted from finalising the deceased estate of Khathatso Clifton Tlali or from the making of any payments or distributions therefrom until the Second Respondent's claim for maintenance in terms of the Maintenance of Surviving Spouses Act has been finalised."

2.

This is a patent error and will not give effect to the judgment handed down.

Paragraph 5 should read:

"5. The Second Applicant is interdicted from finalising the deceased estate of Khathatso Clifton Tlali or from the making of any payments or distributions therefrom until the Second

Respondent's claim for maintenance in terms of the Maintenance of Surviving Spouses Act has been finalised."

3.

I therefore correct the order I made on 26 August 2024 to read as follows:

[76] I therefore make the following order:

1. The *point in limine* raised in the counter application, insofar as it may still be necessary, is not upheld.
2. No order as to costs is made in respect of the point in limine.
3. Both of the applications and the relief sought in the main and the amended notices of motion are dismissed.
4. It is declared that the Second Respondent was the life partner of the late Khathatso Clifton Tlali.
5. The Second Applicant is interdicted from finalising the deceased estate of Khathatso Clifton Tlali or from the making of any payments or distributions therefrom until the Second Respondent's claim for maintenance in terms of the Maintenance of Surviving Spouses Act has been finalised.
6. First Applicant is ordered to pay all costs in respect of the initial and amended Notices of Motion including the costs in respect of the counter application.
7. No order for costs is made in respect of Second Applicant.

4.

I therefore so order.



Basson AJ
Gauteng, Pretoria

Date Heard: 16 May 2023

Date of correction
of order: 27 August 2024

Attorney for First and
Second Applicants: Mr M D Hlatshwayo

Advocate for Second and
Third Respondents: Adv A Nell.