

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 064205-2024

DATE: 2025-09-03

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: NO.

(2) OF INTEREST TO OTHER JUDGES: NO.

(3) REVISED: YES

DATE 11/9/2025

SIGNATURE

10 In the matter between

PALESA PRINCESS PITSO

Applicant

and

OLD MUTUAL LIFE ASSURANCE

Respondent

JUDGMENT

FISHER, J: This is an application which is brought by the applicant in two capacities, first, in her personal capacity
20 and, second, in her capacity as an executrix of the estate of the deceased in issue in this matter.

The application has glaring difficulties. The first being it is form. The claim is framed on the basis that it is an interdict. The second is that a clear dispute of fact has been raised in relation to the claim.

The claim against is brought against Old Mutual, on the

basis of a life insurance policy over the deceased.

Old Mutual alleges that there is no proof of death and accordingly it disputes the death which is the basis upon which the death entitlement is claimed from Old Mutual.

Furthermore, there are also disputes in relation to whether proper and true information was provided by the applicant in relation to her completion of the form when she took out the insurance policy in issue.

10 The existence of the disputes of fact have been clear since the answering affidavit was filed.

In these circumstances, to my mind, the applicant should not have persisted with the application. The disputes are irresolvable on paper and this has been clear from the filing of the answering affidavit.

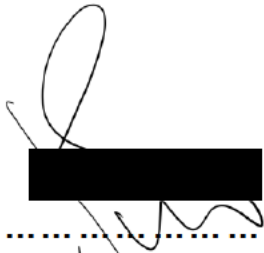
 There is a jurisdictional point raised which I am not going to deal with in light of the other overwhelming aspects which relate to the matter. I also do not want to prejudge it on the basis that there may be a further process filed in the
20 matter.

In these circumstances the application is dismissed with costs on the basis that there is a dispute of fact with costs on scale B.

2024-adj
2025-09-03

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JUDGMENT

A handwritten signature in black ink, appearing to be 'J. Fisher', is written over a solid black rectangular redaction box. The signature extends above and below the box.

.....
FISHER, J

JUDGE OF THE HIGH COURT

DATE: 11 September 2025