

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

Case Number: 25-092756

(1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED: YES
21 JUNE 2025

In the matter between:

In the reconsideration of the matter between:

SHANNON CHEZLIN TLADI

First Applicant

HILLEL ANTONY SHELDON TLADI

Second Applicant

and

KEAGAN RODWIN CORNELIUS

First Respondent

LAKEWOOD FUNERAL PARLOUR

Second Respondent

JUDGMENT (RECONSIDERATION APPLICATION)

[1] The main disputants in this matter are three brothers: the applicants and the first respondent are all the natural children of the same mother, Ericka who sadly passed away recently. The dispute centres around their respective entitlements to make decisions regarding Ericka's funeral service and burial.

[2] The order that I make arises in the context of an urgent application brought on behalf of the eldest brother (the first respondent) on Thursday, 19 June 2025 for the reconsideration of two orders I granted in his absence the previous day. These were a *rule nisi* issued at 13h45 and a consequent final order at 17h15, in which I ordered that the applicants would have the sole authority and be

solely empowered to make such decisions and to undertake such activities as they may consider fit, and at their own cost, with regard to the funeral arrangements.

- [3] Upon the reconsideration application being called for hearing, Ms Kara informed me that the parties had reached consensus on almost all of the disputes that have arisen between them, and that there is only one remaining issue upon which I am required to rule.¹ That issue is whether the second respondent should continue to perform the role of undertaker and funeral parlour in relation to Ericka's mortal remains, and for her funeral and burial.
- [4] Upon questioning, both of the applicants indicated that they wanted the court to rule on this question. Even though it would appear (in the absence of any evidence of a will or other written statement setting out Ericka's wishes regarding her funeral) that the three brothers are equal co-heirs of their mother and, as such, it would make sense that each should have an equal say in relation to her funeral arrangements,² I have reached the view upon reconsideration that this is not a matter in which it would be appropriate to require adherence to the principle of majority rule reflected in my second order of 18 June 2025. Instead, I have chosen to adopt the practical and common-sense approach commended by various judgments.³
- [5] The applicants' reasons as to why they are pursuing an order entitling them to choose the funeral parlour (and to pay for its services) are not matters of principle, but rather arise from the hurt feelings they say they experienced as a result of the manner in which the second respondent's staff have interacted with them over the past days. While I am prepared to assume (without deciding) that this grievance is justified, it does not seem to me that it is so serious as to outweigh the fact that the grant of the order that they seek would

¹ It is apparent that Ms Kara has played an admirably constructive role in assisting the parties to reach the agreement that they have. Judging from the number of people present in court when the matter was finally called sometime after 18h00 on a Friday evening it also appears that a number of others also assisted. They all have the thanks of the Court.

² *Gonsalves v Gonsalves* 1985 (3) SA 507 (T) at 513D.

³ *c.f. Trollip v Du Plessis en 'n Ander* 2002 (2) SA 242 (W); *Mahala v Mkombombombini and Another* 2006 (5) SA 524 (SE) para 9.

result in an unnecessary duplication of costs in view of the first respondent's already incurred contractual liability to the second respondent. This is the approach taken by the court in *Trollip*, which involved facts very similar to those in the current matter.

[6] In reaching this conclusion, I am also bound to recall that when the first applicant gave *viva voce* evidence at the first hearing on 18 June 2025, I asked him how his mother would have viewed a potential duplication of costs that a change in the identity of the funeral parlour might cause. He did not hesitate in telling me that she would have been opposed to such waste.⁴ I thus have no doubt that this is the correct approach to follow in the circumstances.

[7] Before I hand down the order which I have prepared on the basis of the information furnished to me by the parties, and which I have canvassed with them, I hope I may be forgiven for making the following remarks, which I direct to the three brothers:

- a. Firstly, although I didn't meet your mother, I have heard great deal about her over the last three days. Clearly, she was a formidable woman. In reaching the agreement that you have, you have not only honoured her committed faith as a Christian, but also her express wish that you should not fight with each other after she passed away.
- b. Secondly, I want to read a passage that I very much admire from a judgment of my sister, Du Plessis J in the case of *Manzini v Dlalisa*. It was a similar case to this one. She said the following, quoting a famous writer who converted to Christianity following a long discussion during a late-night walk with two of his friends:

Often reading through urgent applications relating to burials, CS Lewis' words, "I sat with my anger long enough until she told me her real name was grief", seem apt. The time after the passing of a loved one, which should be a time of solidarity in grief, often gets transformed into angry demands. Once legal practitioners get involved, these demands are converted into affidavits, packaged in the legal language of rights and claims, to be adjudicated by a judge who only gets to see a short

⁴ He also informed me that his mother had predicted, with regret, that her sons "might have a big fight with each other" after she died.

glimpse into the lives and relationships of the deceased's loved ones. Considering these rights and claims while showing the necessary sympathy for the ones remaining when deciding the issues that often do not have a straightforward answer is not ideal. Especially not in urgent court. However, that is what I was called upon to do.⁵

- c. You will have seen that I was moved by this matter. In my case, the emotion was neither anger nor grief, but happiness and rejoicing that you have come so far in your discussions. I wish your family peace and continued healing.

[8] I hand down the order. The court is adjourned.

RJ MOULTRIE
ACTING JUDGE OF THE HIGH COURT
JOHANNESBURG

Hearing and judgment:

The initial orders were granted following hearings on 18 June 2025. This judgment contains the corrected reasons for the order in the reconsideration application, which was heard and decided in open court on the evening of Friday, 20 June 2025.

Representation:

For the Applicants: In person

For the First Respondent: Advocate Z Kara, instructed by Verton Moodley & Associates, verton@vmalaw.co.za

⁵ *Manzini v Dlalisa and Another* [2024] ZAGPJHC 920 (6 September 2024) para 10.

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

CASE NO: 25-092756

Before the Honourable Mr Acting Justice MOULTRIE
Urgent Court, 20 June 2025, 18h45

In the reconsideration of the matter between:

SHANNON CHEZLIN TLADI First Applicant

HILLEL ANTONY SHELDON TLADI Second Applicant

and

KEAGAN RODWIN CORNELIUS First Respondent

LAKEWOOD FUNERAL PARLOUR Second Respondent

ORDER (RECONSIDERATION APPLICATION)

HAVING read the documents filed of record, heard counsel for the first respondent and the applicants in person, and having considered the matter,

IT IS HEREBY ORDERED THAT:

1. The first respondent's non-compliance with the Uniform Rules of Court relating to form, service and time periods is condoned, and this application is enrolled on the urgent roll in terms of Rule 6(12).
2. The orders granted by Moultrie AJ under the above case number at 13h45 and 17h15 on 18 June 2025 are reconsidered and set aside in terms of Rule 6(12)(c).
3. The second respondent shall continue to perform the role of undertaker and funeral parlour in relation to the mortal remains and funeral of the late Ericka

Minnie Cornelius-Tladi (**"the deceased"**), and the first respondent shall be responsible for the second respondent's charges in relation thereto.

BY AGREEMENT BETWEEN THE PARTIES, IT IS FURTHERMORE ORDERED THAT:

4. The funeral service of the deceased shall take place at City of Hope, Riverlea at 09h00 on 28 June 2025.
5. The deceased shall be buried in a white casket with gold handles and shall be clothed in a purple funereal dress.
6. The casket containing the mortal remains of the deceased shall be taken into the home of the deceased situated at [...] C[...] Street, M[...] on the morning of 28 June 2025, and shall be allowed to remain there for at least one hour prior to the funeral service, which service shall be in accordance with Christian rites.
7. The funeral service shall be jointly officiated over by the deceased's brother, Rothwell Cornelius; her sister, Benitta Gilliland; and a third Pastor or Minister of the Christian faith who shall be selected by the applicants.
8. Each of the applicants and the first respondent shall be entitled to furnish the second respondent with such decorations (including flowers and photos) as they may wish, which decorations shall be accepted as part of the funeral and burial services.
9. Each of the applicants and the first respondent shall be entitled to deliver a speech as part of the funeral service, and the applicants (on the one hand) and the first respondent (on the other hand) shall each be entitled to select a further person to deliver speeches as part of the funeral service.
10. The deceased shall be buried at Newclare Cemetery, section 2-74, in the grave of her late mother.
11. The deceased's tombstone shall record her name as Ericka Minnie Cornelius-Tladi.
12. The applicants (on the one hand) and the first respondent (on the other hand) shall make separate arrangements regarding such gatherings or further events as

they may choose.

13. Should any matter arise for decision in relation to the funeral and burial arrangements of the deceased that is not specified above, the applicants and the first respondent shall seek to decide such matter by consensus, failing which the preference of any two of them shall prevail.
14. All parties shall pay their own costs in relation to all proceedings under the above case number.

BY THE COURT

REGISTRAR

For the Applicants: In Person

For the First Respondent: Advocate Z Kara, instructed by Verton Moodley & Associates,
verton@vmalaw.co.za