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

Case Number: 2025-197147

(1) REPORTABLE: YES / NO
(2) OF INTEREST TO OTHER JUDGES: YES/NO
(3) REVISED: YES/NO
19 November 2025

In the matter between:

PAMELA MORARE

First Applicant

SANNAH MORARE

Second Applicant

and

PEGGY MORARE
Respondent

First

(In her capacity as an Executrix in the Estate Late Simon Morare, Estate No. 0[...])

THE MASTER OF THE HIGH COURT, JOHANNESBURG

Second Respondent

THE REGISTRAR OF DEEDS, JOHANNESBURG
Respondent

Third

HILDA MORARE
Respondent

Fourth

JUDGMENT

NTHAMBELENI, AJ

Introduction

- [1] This is an urgent application brought by the First and Second Applicants (“the Applicants”) seeking interim interdictory relief pending the finalisation of Part B of these proceedings. In Part B, the applicants seek an order declaring one of two testamentary documents lodged with the Master of the High Court as the last valid Will of the late Simon Morare (“the deceased”).
- [2] The Applicants seek the following interim relief:
- (a) Pending the determination of Part B, the First to Third Respondents are interdicted from registering any transaction or transfer of ownership in respect of the immovable property known as Erf 5[...] P[...] Zone 5, Johannesburg (“the property”) in the Deeds Registry.
 - (b) Pending the determination of Part B, the First and Second Respondents are interdicted from finalising or taking any steps towards the finalisation of the administration of the deceased estate.
 - (c) Leave is granted to the Applicants to supplement their papers within Fifteen (15) days in pursuit of Part B of this application.
 - (d) Costs of this application.

Urgency

- [3] The First Respondent opposes the relief and argues that the matter is not urgent. It is contended that the Applicants were aware of her appointment as Executrix in early 2024 and failed to challenge such appointment timeously.
- [4] Rule 6(12)(a) of the Uniform Rules of Court permits the Court to dispense with forms and service ordinarily required and to dispose of a matter urgently where the circumstances so justify. The test for urgency is settled: the applicant must

set forth explicitly the circumstances rendering the matter urgent and the reasons why it cannot be afforded redress in due course.¹

- [5] The papers before me demonstrates that the First Respondent intends to sell the property forming part of the deceased estate to a third party. Such an act, if carried out, would have the effect of permanently depriving the Applicants who claim to be beneficiaries under the disputed Will of the deceased which they allege forms part of their intended inheritance.
- [6] The harm apprehended by the Applicants is immediate, ongoing, and irreparable. Once the property is alienated and transferred, it would be impossible to restore the *status quo ante*. In these circumstances, the Applicants cannot be afforded substantial redress in due course. I accordingly find that the matter is urgent and warrants enrolment on the urgent roll.

Requirements of an interim interdict

- [7] The requirements for an interim interdict, as listed in *Setlogelo v Setlogelo*² are trite:
- a. A prima facie right, though open to some doubt;
 - b. A well-grounded apprehension of irreparable harm if the relief is not granted;
 - c. The balance of convenience must favour the granting of the interdict; and
 - d. The absence of any other satisfactory remedy.
- [8] On the facts, the Applicants have established a *prima facie* right. They rely on testamentary documents allegedly executed by the deceased. Although the authenticity of these documents is contested by the First Respondent, that is a question for determination in Part B of these proceedings. For purposes of the

¹ See *Luna Meubel Vervaardigers (Edms) Bpk v Makin and Another (t/a Makin's Furniture Manufacturers)* 1977 (4) SA 135 (W) at 137F–H).

² *Setlogelo v Setlogelo* 1914 AD 221 at 227; *Webster v Mitchell* 1948 (1) SA 1186 (W) at 1189.

interim relief, it suffices that such right exists *prima facie*, even if open to some doubt.³

- [9] The harm apprehended is irreparable. The alienation of the property during the pendency of a dispute concerning the validity of the deceased's Will would render any subsequent declaration of the Will's validity nugatory. The Applicants would be left with no adequate remedy in law to restore the property or their legal rights to the property if sold or alienated .
- [10] The balance of convenience favours the Applicants. The Respondents will not suffer undue prejudice by the temporary preservation of the *status quo*, whereas the Applicants stand to suffer irreversible loss if the property is transferred, sold or alienated.
- [11] The Applicants have no adequate alternative remedy. There is no mechanism other than the interdict to preserve the property pending the resolution of Part B.
- [12] The requirements for an interim interdict are accordingly satisfied.

Conduct of the First Respondent's attorney

- [13] Before concluding, it is necessary to deal with an ancillary but grave matter concerning the conduct of the First Respondent's legal representative.
- [14] When this matter was called, the Attorney for the First Respondent sought to appear before this Court without being properly robed, in disregard of the well-established decorum and etiquette of this Court. This conduct by the Attorney to appear in such fashion occasioned undue delay to the hearing and constituted a discourtesy both to the Court and to opposing parties.
- [15] The appearance of legal practitioners before courts is governed by rules of professional conduct requiring that they appear robed as well as the practice

³ *LF Boshoff Investments (Pty) Ltd v Cape Town Municipality* 1969 (2) SA 256 (C) at 267A–F).

directives at our Courts. This is not a matter of formality alone, but one of respect for the dignity and authority of the Court.⁴

[16] The Court indicated to the First Respondent Attorney that he is not properly robed and thus cannot appear in such a fashion, he requested a stand down of the proceedings for a period of 30 minutes. Due to the nature of the proceedings being in the urgent court. The Court offered him 15 minutes to redeem the nature of his appearance and be properly robed. The allocated time came and passed and the proceedings commenced after the 30 minutes of the forced adjournment. The Attorney only managed to re-appear after 40 minutes and found the matter proceeding. This type of conduct cannot be countenanced by this Court worse in urgent proceeding where the relief is sought on an urgent basis.

[17] The Court cannot ignore such conduct, which undermines the administration of justice and the functioning of our courts and the legal profession in genera. In the circumstances, it is appropriate that the conduct of the attorney concerned be referred to the Legal Practice Council for consideration in terms of section 55 of the Legal Practice Act.⁵

[18] The practice directives of our division are prescriptive with regard to the dress code of all practitioners appearing before the court either as advocates or attorneys with right of appearance in the High Court. It is clear from the conduct of the practitioner that appeared before me that, he either did not read what is required or simply ignored the directives, clearly at his own peril. That type of conduct is not only disruptive during the proceedings but also hamper the administration of justice with undue delays.

Order

[19] In the result, the following order is made:

1. The application is declared to be urgent, and the non-compliance with the Rules of this Court relating to service and time limits is condoned.

⁴ See *Prokureursorde van Transvaal v Kleynhans* 1995 (1) SA 839 (T); *General Council of the Bar of South Africa v Geach and Others* 2013 (2) SA 52 (SCA).

⁵ 28 of 2014.

2. Pending the determination of Part B of this application:

2.1 The First to Third Respondents are interdicted and restrained from registering or causing to be registered any transaction or transfer in respect of the property known as Erf 5[...] P[...] Zone 5, Johannesburg, in the records of the Registrar of Deeds.

2.2 The First and Second Respondents are interdicted and restrained from taking any steps towards the finalisation of the administration of the Estate Late Simon Morare (Estate No. 0[...]).

3. The Applicants are granted leave to supplement their papers within fifteen (15) days of this order in pursuit of Part B of the application.

4. The conduct of the attorney acting on behalf of the First Respondent, in seeking to appear before this Court without being properly robed and nonchalant delays of the Court proceedings, is hereby referred to the Legal Practice Council for investigation in terms of section 55 of the Legal Practice Act 28 of 2014.

5. The First Respondent is ordered to pay the costs of this application on scale C.

NTHAMBELENI AJ
ACTING JUDGE OF THE HIGH COURT
JOHANNESBURG

HEARD : 30 October 2025

DELIVERED: 19 November 2025

FOR THE APPLICANT: Adv K Maponya

INSTRUCTED BY: Nkabinde Attorneys

FOR FIRST RESPONDENT: S Musingwini

INSTRUCTED BY: Musingwini & Associates

