



**IN THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN**

Not reportable

Case no: **2328/2025**

In the matter between:

LIMAKATSO RAHANTLANE

APPLICANT

and

MASTER OF THE HIGH COURT

FIRST RESPONDENT

LEHLOHONOLO ARIEL MAILA

SECOND RESPONDENT

MAMOKETE MARIA RAHANTLANE

THIRD RESPONDENT

Neutral citation: *Rahantlane v Master of the High Court and Others* (2328/2025) [2025]
ZAFSHC 386 (3 December 2025)

Coram: Daffue J

Heard: 14 August 2025

Delivered: This judgment was handed down electronically by circulation to the parties' representatives by email and released to SAFLII. The date and time for hand-down is deemed to be 16h00 on 3 December 2025.

Summary: Review – applicant sought the review and setting aside of the Master's decision to withdraw letters of authority issued to her in terms of s 18(3) of the Administration of Estates Act 66 of 1965 (the Act) – s 95 of the Act authorises the Chief Master to review the Master's decision – application dismissed.

ORDER

1 The application to review and set aside the Master of the High Court's decision of 7 April 2025 to withdraw letters of authority issued in favour of the applicant in terms of section 18(3) of the Administration of Estates Act 66 of 1965 is dismissed.

2 This order shall be forwarded to the Master of the High Court forthwith.

JUDGMENT

Daffue J

[1] Ngaka Phillip Rahantlane (the deceased) died interstate on 31 October 2022. On 23 June 2023, under estate number 9706/2022, the Master of the High Court, Bloemfontein (the Master) issued letters of authority in accordance with s 18(3) of the Administration of Estates Act 66 of 1965 (the Act) to the applicant, Limakatso Florence Rahantlane, identity number 9[...]. *Ex facie* the letters of authority, the deceased was not survived by a spouse.

[2] The applicant in the unopposed application presented to me is an adult female residing at Meqheleng, Ficksburg. She is the deceased's biological daughter. Her aforesaid mandate authorised her to take control of the assets of the deceased's estate, to pay the estate's debts and to transfer the residue of the estate to the heir/heirs entitled thereto by law. The value of the assets, to wit eight vehicles, amounted to exactly R125 000. No other assets are mentioned in the letters of authority. More about this later.

[3] The Master is cited as the first respondent. The Master withdrew the applicant's authority to act as estate representative as I shall discuss in some detail hereunder.

[4] Lehlohonolo Ariel Maila, a major male person, is cited as the second respondent. He is the deceased's son and refers to himself as Malia Lehlohonolo Ariel as is evident from his letter of complaint, dated 13 February 2025, served upon the Master. The Master attached this letter of complaint to his letter of 3 March 2025, addressed to the applicant and it forms part of the application papers. The second respondent pointed out that the applicant had presented the Master with false information to be issued with the letters of authority. According to him, the applicant is his younger sister who claims the deceased's whole estate without informing the Master that she was not the deceased's only child.

[5] Mamokete Maria Rahantlane, a major female person, is cited as third respondent. She is the deceased's biological sister. The third respondent is the deceased's sister. She caused her attorneys, Du Toit, Louw and Botha, to write to the Ficksburg Taxi Association to make them aware of the Master's withdrawal of the letters of authority. It is not certain on what basis she intervened in the matter, bearing in mind the provisions of the Intestate Succession Act 81 of 1987. I shall return thereto in a moment.

[6] On 16 May 2025 the applicant obtained urgent relief pertaining to Part A of the notice of motion. In terms thereof the Master's withdrawal letter was suspended pending finalisation of the review application contained in Part B of the notice of motion. The Master was also directed to reinstate the letters of authority as an *interim* measure. The notice of motion and annexures were served on the second and third respondents on 12 and 13 May 2025 respectively, thereby giving them insufficient notice of the application. I have reason to believe that they had no idea of the impact of the relief sought, bearing in mind that neither Part A, nor Part B of the application was opposed.

[7] The applicant failed to play open cards with the Master when she applied to be appointed as estate representative. There is no reference in the letters of authority to immovable property. The applicant indicates in paragraph 27 of her founding affidavit that two matters are pending in the Ficksburg Magistrate's Court concerning the estate. The one matter is an eviction application wherein she as applicant seeks the eviction under application number 371/2024 in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 of a certain Mr Sefatsa from

immovable property belonging to the deceased's estate.

[8] The value of this immovable property may be such that the Master would be prevented from issuing letters of authority under s 18(3) of the Act. This sub-section reads as follows:

‘(3) If the value of any estate does not exceed the amount determined by the Minister by notice in the Gazette, the Master may dispense with the appointment of an executor and give directions as to the manner in which any such estate shall be liquidated and distributed.’

At this moment the amount referred to in sub-section 3 is R250 000.¹

[9] Part B of the notice of motion was set down for hearing on 14 August 2025 in the unopposed motion court. Having perused the application papers and the Master's report, I directed the applicant's attorney to present me with heads of argument to be filed on 20 August 2025. I made it clear that I was *prima facie* not prepared to grant relief, bearing in mind the applicant's incorrect reliance on section 54 of the Act. No heads of argument have been filed as directed. Unfortunately, and due to this failure, the matter escaped my attention which caused the late handing down of this judgment.

[10] It is apposite to record what led to the present application. On 3 March 2025 the Master issued a letter to the applicant, advising her of the second respondent's complaint referred to above. She was provided 14 days to respond to the complaint attached to the Master's letter. A follow-up letter was sent to the applicant on 25 March 2025. No response was received, whereupon the Master withdrew the letters of authority on 7 April 2025. It is the applicant's case that the first two letters were received by her on 25 April 2025 and the third letter on 2 May 2025 respectively. Bearing in mind the outcome of this judgment, I do not have to dwell on this aspect.

[11] Upon his death the deceased was unmarried and therefore, no surviving spouse is involved. Section 1(1) of the Intestate Succession Act 81 of 1987 reads as follows:

‘(1) If after the commencement of this Act a person (hereinafter referred to as the 'deceased') dies intestate, either wholly or in part, and-

(a) is survived by a spouse, but not by a descendant, such spouse shall inherit the intestate estate;

¹ Government Gazette 38238 of November 2014.

(b) is survived by a descendant, but not by a spouse, such descendant shall inherit the intestate estate;

(c) ...'

[12] The intestate succession among descendants is per stirpes and by representation. Descendants mean children and further issue *ad infinitum* of the deceased, ie grandchildren, great grandchildren and so on.²

[13] The applicant alleges in her founding affidavit that the Master's decision should be reviewed and set aside based on the provisions of s 54 of the Act. This section is inapplicable. It applies to the removal of executors only and not Master's representatives appointed in terms of s 18(3) of that Act.³ I repeat that it is also apparent from s 18(3) that if the value of any estate does not exceed R250 000, the Master may dispense with the appointment of an executor and give directions as to how the estate should be liquidated and distributed.

[14] Notwithstanding the comments in the previous paragraph, I accept that the applicant was entitled to be informed of the complaint and requested to provide reasons before a decision was taken to withdraw the letters of authority. This does not support the applicant *in casu*. Section 95 of the Act provides that the Chief Master may review certain decisions taken by the Master. In turn, such decision by the Chief Master may be appealed against or reviewed by the court upon motion at the instance of any person aggrieved thereby.

[15] Section 95 reads as follows:

'95 Review of Master's appointments, etc

(1) The Chief Master may review any appointment of an executor, curator or interim curator, and every decision, ruling, order, direction or taxation made by the Master, after taking into consideration representations from an executor, curator, interim curator, beneficiary or any other person whom the Chief Master considers relevant, and the Chief Master may confirm, set aside or vary the appointment, decision, ruling, order, direction or taxation, as the case may be.

(2) Representations must be in writing and must include all relevant information pertaining

² See ss 1(1)(b) read with s 1(4)(a) of the Intestate Succession Act 81 of 1987.

³ This is apparent from the definition of executor and letters of executorship read with ss 14, 15 and 18 of the Administration of Estates Act.

to the matter, including-

- (a) the estate number;
 - (b) name of the deceased or executor of the estate;
 - (c) name of the court in whose jurisdiction the matter falls; and
 - (d) a copy of the correspondence from the Master regarding his or her decision on the matter.
- (3) A decision of the Chief Master taken in terms of subsection (1) shall be subject to appeal or review by the Court upon motion at the instance of any person aggrieved thereby, and the Court may on any such appeal or review confirm, set aside or vary the appointment, decision, ruling, order, direction or taxation, as the case may be.
- (4) ...'

[16] No submissions were made as to the authority of the court to intervene at this stage of the proceedings. In my view, this is a matter that should be dealt with by the Chief Master after considering the following:

- a. details of the deceased's descendants;
- b. whether the estate should be finalised in terms of s 18(3);
- c. whether this is not a suitable case, bearing in mind the assets of the estate and in particular the failure to provide a full inventory of all assets, for the appointment of an executor dative;
- d. the failure of the applicant to obtain the written consent of all beneficiaries, particularly her brother as an intestate heir, for her to be appointed in terms of s 18(3).

[17] The Master was served with the application papers on 12 May 2025 at 15h26. He was unable to prepare and lodge his report in time. He did not have proper time to consider the application, although he specifically referred to s 95 of the Act which I dealt with herein. A death notice should have been filed when the estate was reported. That will show whether the second respondent was mentioned as one of the deceased's children, or whether the applicant failed to present the true facts. This may be important for the Master's reconsideration of the matter. This court should not at this stage of the proceedings review and set aside the Master's decision.

[18] The *interim* relief obtained by the applicant applies only pending finalisation of the review application, Part B of the notice of motion. Insofar as I intend to dismiss the review application, the *interim* relief shall lapse automatically.

Order

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

- 1 The application to review and set aside the Master of the High Court's decision of 7 April 2025 to withdraw letters of authority issued in favour of the applicant in terms of section 18(3) of the Administration of Estates Act 66 of 1965 is dismissed.
- 2 This order shall be forwarded to the Master of the High Court forthwith.

J P DAFFUE
JUDGE OF THE HIGH COURT

Appearances

For the Applicant:	Unknown
Instructed by:	Mtaye Attorneys c/o PJ Maselela Attorneys, Bloemfontein.
For the Respondents:	No appearance.