



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

Case Number: 2025-194952

(1) REPORTABLE: No

(2) OF INTEREST TO OTHER JUDGES: No

(3) REVISED.

DATE 22/01/2026

SIGNATURE

In the matter between:

MARAGELO, MOTLALEPULA CHRISTINAH

Applicant

and

JANSE VAN RENSBURG, HANLIE

First Respondent

MASTER OF THE HIGH COURT, PRETORIA

Second Respondent

JUDGMENT

MBONGWE J:

INTRODUCTION

[1] This is an urgent application brought in terms of Rule 6(12) of the Uniform Rules for the removal of the First Respondent as Executrix of the estate of the

late John Terry Pidgeon under Section 54(1)(a)(v) of the Administration of Estates Act 66 of 1965. The Applicant has listed acts of maladministration, failure to account, and contraventions of statutory provisions and prejudice to the beneficiaries amongst the reasons for the relief sought.

- [2] The Applicant, who is the surviving spouse of the deceased, with whom she was married in terms of customary law, has emphasised that the Executrix has failed in her fiduciary duties and acted contrary to the provisions of the Will of the deceased to the prejudice of the beneficiaries.
- [3] At the hearing on 10 November 2025, both parties were represented by counsel. Consequent to a contention by counsel for the Executrix during her address, that she was in possession of documents to prove that the Executrix is and has always acted in compliance with the law, this Court directed that the Assistant Master be called to give viva voce evidence on the disputed issues of maladministration of the estate and the Executrix's alleged compliance, or non-compliance with her obligations and fiduciary duties in terms of the law.

FACTUAL BACKGROUND

- [4] The deceased directed in his Will, inter alia, that:
 - a) a Trust be established, upon his death, to which he has bequeathed his entire estate, including immovable properties, cash investments of approximately R25 million and business entities.
 - b) an estate banking account be opened for the transfer therein of all the estate funds for the proper administration thereof.
 - c) monthly payments be made to the Applicant for her and the minor children's maintenance, including the payment of school fees.
- [5] Following her appointment on 26 May 2023 in terms of the deceased's Will, the Executrix filed an inventory at the Master's office in May 2025 and commenced with the payment of monthly maintenance. However, she inexplicably stopped paying the monthly maintenance and school fees in August 2025.

- [6] The Applicant averred that the payments she had received were made from the Executrix's business account, not the estate bank account.
- [7] A cash investment of approximately R25m was split into several banking accounts, instead of being placed in the estate account in terms of the wishes and directives of the deceased. The failure to open and deposit estate monies into an estate banking account is a contravention of section 28 of the Act.
- [8] Movable assets that had been in the sold immovable property remain unaccounted for.
- [9] When the Applicant approached and laid a complaint to the Master in October 2025, it transpired that no reports or accounts had been filed since the filing of the inventory, and that there had been no request filed for an extension of time for the lodging of accounting reports.
- [10] The Executrix reacted by seeking a restraint order against the Applicant ostensibly on the basis of alleged interference and also advised the Master not to make the estate file available to the Applicant.
- [11] It was only a couple of days after the Applicant had laid a complaint that the Executrix submitted a written request for an extension of time to file an interim liquidation and distribution account. She was granted an extension until January 2026.
- [12] In the meantime, the Executrix had sold and transferred one of the two immovable properties owned by the deceased and situated in Waterkloof to a third party, without the consent of the Applicant or the Master. This was in contravention of the law. The Executrix's attempt to sell the second property by auction was thwarted by the intervention of the police at the behest of the Applicant.
- [13] In her replying affidavit and in defence of her selling of the property without the consent of the Applicant, the Executrix denied the existence of a customary marriage between the Applicant and the deceased, and contended that, as

such, the Applicant was not entitled to one-half share in the property by virtue of marriage, and that the consent of the Applicant was, therefore, not required. The Executrix's denial of the marriage under oath and despite the marriage being disclosed in the deceased's death certificate renders the Executrix guilty of perjury.

[14] With regard to the consent by the Master, the Executrix contended that she did not require the same as the property was not registered in the deceased's name, but in the of his company – this disregards the fact that the property has been bequeathed to and formed part of the estate.

VIVA VOCE EVIDENCE

[15] The Assistant Master, Mpho Lizzy Seeme testified that:

- a) The Executrix had never filed any report or account since her appointment.
- b) No extension for the late filing of the report or account had been sought prior to the Applicant laying a complaint. Written consent is given when requested in writing from the office of the Assistant Master.
- c) The Executrix only requested an extension for filing a report a couple of days after the complaint had been made. The extension was granted until January 2026.
- d) Both the copies of the written request and of the letter granting extension are attached to the papers.
- e) Strangely, though, no copies of the alleged earlier written requests are in the court file, nor of letters granting the extensions, or an indication that reports were filed on the dates set for the submission of the reports. These are anomalies, according to the witness, and denote that no requests for extensions had been made and granted earlier.
- f) Consent for the sale of the immovable property had never been requested by the Executrix.
- g) The sale and transfer of the property was, therefore, unlawful and in contravention of sections 42 and 47 of the Administration of Estates Act.

ISSUES IN CONTENTION AND THE LAW

[16] The Executrix contended that the Applicant was not married to the deceased and, therefore, lacks legal standing. The Court notes that the Applicant's standing in this matter arises not only from her marriage to the deceased, but also from her position as a named beneficiary in the Will. Beneficiaries are entitled to protect their interests and to ensure that the estate is properly administered.

[17] In any event, whether the Applicant was married to the deceased is immaterial for the purpose of this application.

[18] The Assistant Master testified that the sold immovable property formed part of the estate and that her written consent was necessary for the sale thereof in terms of Sections 42 and 47 of the Administration of Estates Act. The Executrix had not sought her consent, nor did she give her consent for the sale and transfer of the immovable property concerned. The Executrix's failure to obtain such consent constitutes a contravention of the Act and a breach of her fiduciary duty.

[19] Section 35 of the Administration of Estates Act requires executors to lodge liquidation and distribution accounts within six months of appointment unless an extension is granted. The Executrix's failure to comply with this duty amounts to maladministration.

[20] Executors are bound to give effect to the provisions of the Will unless varied by Court order. The failure to comply with testamentary directions, as the Executrix has done, constitutes a breach of fiduciary duty.

[21] The cessation of maintenance payments prejudiced the Applicant and minor beneficiaries and underscores the urgency of intervention.

ANALYSIS

[22] The Executrix's conduct demonstrates a pattern of maladministration:

- a) Failure to file accounts or reports since appointment.

- b) Ceasing maintenance payments and school fees, prejudicing minor beneficiaries.
- c) Attempting to restrict the Applicant's access to the estate file.
- d) Selling immovable property without the Master's consent, in contravention of statutory provisions.
- e) Seeking extensions only after complaints were lodged, undermining her credibility.

[23] The Assistant Master's testimony directly contradicts the Executrix's assertions of compliance. The absence of any record of correspondence or extensions prior to the Applicant's complaint underscores the Executrix's failure to discharge her duties.

CONCLUSION

[24] The Executrix's conduct has imperilled the estate and prejudiced the beneficiaries. The Court cannot countenance such maladministration. The urgent removal of the Executrix is justified and necessary to safeguard the estate and uphold the integrity of the administration process. The Executrix has demonstrated herself to be unfit to continue in office.

ORDER

[25] In the circumstances, the following order is made:

- a) That the non-compliance with the provisions of the Rules of the above Court pertaining to time and manner of service be condoned and dispensed with insofar as may be necessary and that this application be dealt with as an urgent application term of provisions of Rule 6(12).
- b) That the second respondent be removed as executrix of the Estate Late: Pidgeon with Estate number 00148/2023 forthwith.
- c) That the second respondent be directed to revoke the letter of executorship granted to the first respondent on 26 May 2023.

- d) That the applicant be appointed as executrix Estate Late: Pigeon with Estate number 00148/2023.
- e) That the second respondent be directed to provide the applicant with letter of authority within 3 (three) days of the date of this order.
- f) That the first respondent is directed, within 7 (seven) days of the date of this order, to render the applicant's attorneys of record and to the second respondent a full and proper account, duly supported by vouchers, bank statements, receipts, and all other relevant source documentation, of all monies and assets received, transferred, invested, deposited and disbursed by her on behalf of the Estate since the date of her appointment as executrix.
- g) The first respondent is directed to forthwith return all movable assets, including all furniture, which she caused to be removed from the immovable property situated at 4[...] M[...] Street, Waterkloof, Pretoria, to the aforesaid property.
- h) The interim protection obtained *mala fide* against the applicant Maragelo Motlalepula Christinah, in the Magistrate's Court for the District of Tshwane Central under case number HA 1898/2025 on 15 October 2025, is hereby set aside and declared null and void *ab initio*.
- i) That the following bank accounts be frozen until such time as a new Executor is appointed, namely:

- i. Bank account name: RFS INVESTMENT
Bank: ABSA BANK
Bank account number: 9[...]
Amount deposited: R10,249,054.02 on 21/02/2025
- ii. Bank account name: ULTIMATE RAFT FOUNDATION DESIGN
SOLUTIONS CC
Bank: NEDBANK

- Bank account number: 1[...]
Amount deposited: R2,871,856.08 on 08/09/2023
- iii. Bank account name: RAFT FOUNDATION SOLUTIONS (PTY) LTD
Bank: NEDBANK
Bank account number: 1[...]
Amount deposited: R2,887,890.24 on 26/06/2023
- iv. Bank account name: JT PIDGEON
Bank: FIRST NATIONAL BANK
Bank account number: 6[...]
Amount deposited: R6,226,643.61 on 23/02/2024
- v. Bank account name: JT PIDGEON
Bank: ABSA
Bank account number: 9[...]
Amount deposited: R214,099.79 on 21/06/2023
- vi. Bank account name: ULTIMATE RAFT FOUNDATION DESIGN SOLUTIONS CC
Bank: NEDBANK
Bank account number: 1[...]
Amount deposited: R14,896,353.43 on 30/11/2023
- vii. Bank account name: RAFT FOUNDATION SOLUTIONS (PTY) LTD
Bank: NEDBANK
Bank account number: 1[...]
Amount deposited: R10,783,759.92 in February 2025
- j) Further that the following account of the First Respondent be immediately frozen pending full accounting to the satisfaction of the Master's Office namely:

- i. Bank account name: REBOUND LEGAL AND FORENSICS
(PTY) LTD
Company registration no: K2014/139430/07
Bank: ABSA BANK
Details: HANLIE JANSE VAN RENSBURG
ID No: 6[...]

k) That the First Respondent be removed as a Director/Member of the following companies namely:

- i. RAFT FOUNDATION TECHNOLOGIES NPC with registration number 2001/001271/08;
ii. SERFOND with registration number: 1999/042768/23;
iii. CENTER FOR EXCELLENCE IN FOUNDATION ENGINEERING NPC with registration number 2010/004554/08;
iv. KROGEN (PTY) LTD with registration number 2015/296553/07;
v. ULTIMATE RAFT FOUNDATION DESIGN SOLUTIONS with registration number 2008/052709/23;
vi. CRACKFIX with registration number 1988/001605/23.

l) That any respondent who opposed this application be ordered to pay the costs thereof, jointly and severally, on an attorney and client scale;

m) Further and/or alternative relief.

MPN MBONGWE
JUDGE OF THE HIGH COURT
GAUTENG, PRETORIA

APPEARANCES:

For the Applicant: Adv N Nortje
Instructed by: Sivuyile Maqungo Incorporated

For the First Respondent: Adv C Barreiro (Ms)

Instructed by:

Abrams Madira Incorporated

Date of Hearing:

14 November 2025

Date of Judgement:

22 January 2026

THIS JUDGEMENT WAS ELECTRONICALLY TRANSMITTED TO THE PARTIES' LEGAL REPRESENTATIVES AND UPLOADED ONTO CASELINES ON 22 JANUARY 2026.