



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

CASE NO: 2023-013067

DELETE WHICHEVER IS NOT APPLICABLE	
(1)	REPORTABLE: YES/NO
(2)	OF INTEREST TO OTHER JUDGES: YES/NO
(3)	REVISED:
16/02/2026	
DATE	SIGNATURE

In the matter between:

WILLIAM JOSEPH RICHARD ANDERSON

First Intervening Party

MAGRIET LOUISE STEENKAMP

Second Intervening Party

and

ALETTA JOHANNA ANDERSON

First Respondent

MAGISTRATE K ACHARY

Second Respondent

SELENE VAN NIEKERK N.O.

(In her capacity as the appointed coexecutor
in the late estate of W J R ANDERSON)

Third Respondent

PERCY ALLAN GRIMSHAW JONES, N.O.

(In his capacity as the appointed co-executor
in the late estate of W J R ANDERSON)

Fourth Respondent

**THE MASTER OF THE HIGH COURT,
JOHANNESBURG**

Fifth Respondent

In re:

ALETTA JOHANNA ANDERSON

Applicant

and

MAGISTRATE K ACHARY

First Respondent

SELENE VAN NIEKERK N.O.

(In her capacity as the appointed co-executor
in the late estate of W J R ANDERSON)

Second Respondent

PERCY ALLAN GRIMSHAW JONES, N.O.

(In his capacity as the appointed co-executor
in the late estate of W J R ANDERSON)

Third Respondent

**THE MASTER OF THE HIGH COURT,
JOHANNESBURG**

Fourth Respondent

This Judgment was handed down electronically and by circulation to the parties' legal representatives by way of email and shall be uploaded on caselines/courtonline. The date for hand down is deemed to be on 16 February 2026.

JUDGMENT

MOGOTSI AJ

Introduction

[1] The dispute centres on whether the intervening parties should be granted leave to intervene in a review application concerning the quantum of spousal maintenance awarded to their father's surviving spouse, the first respondent.

Background

[2] The first respondent is the surviving spouse of Mr W.J.R. Anderson, who passed away in April 2022. The first respondent and the deceased were married out of community of property.

[3] The intervening parties are the children of the deceased. The co-executors of the estate are third respondent, a child of the deceased and fourth respondent, a child of the first respondent.

[4] The High Court previously granted a declaratory order confirming the first respondent's entitlement to spousal maintenance. However, the quantum was left undetermined due to jurisdictional limits and is now the subject of review.

The applicant's submissions

[5] The essence of the first and second intervening parties' argument is that, as heirs of the estate, they have a direct and substantial interest in the review application, which has the potential to deplete the estate's assets. They contend that they must be allowed to intervene to ensure the estate is properly defended, as the current co-executors have a conflict of interest. They assert that the quantum of maintenance is a vital part of the maintenance claim, and a high award directly reduces the residuary estate they will inherit. This, they argue, creates a direct legal and financial interest in the review proceedings.

[6] Additionally, counsel submitted that the co-executors are conflicted in that one is a child of the deceased aligned with the heirs and the other is a child of the first respondent aligned with the spouse. This deadlock, it is argued, prevents the estate from mounting a unified defence against the review, creating a risk of an unopposed order.

The respondent's submissions

[7] Counsel for the first and fourth respondents opposed the intervention, arguing that the intervening parties lack legal standing. Counsel submitted that the declaratory order has already established the entitlement to maintenance, and only the quantum remains to be determined. Therefore, the children's interest is purely financial and does not constitute a "direct and substantial interest in the subject-matter of the litigation itself".

[8] It was further submitted that the intervening parties did not oppose the initial application for the declaratory order, which undermines the seriousness of their current attempt to intervene. Relying on *United Watch and Diamond Co (Pty) Ltd and others v Disa Hotels and Another*¹, counsel argued that a financial interest is insufficient for intervention, as the interest must be in the legal right being litigated.

The issue

[9] The crisp issue before this court is whether the intervening parties, as heirs of the late estate of W.J.R. Anderson, have a direct and substantial interest in the review proceedings.

¹ 1972 (4) SA 409 (C) AT 415-417.

The law

[10] The Constitutional Court's decision in the matter of *SA Riding for the Disabled Association v Regional Land Claims Commissioner and Others*², is the benchmark for intervention applications and has been consistently applied as confirmed in *Mooville (Pty) Ltd v Land and Agricultural Bank*³, in which the court held that the enquiry remains whether the applicant has a legal interest in the subject-matter of the litigation, not merely an indirect commercial or emotional interest.

[11] Once an applicant demonstrates a direct and substantial interest in the subject matter, the court has no discretion and must grant leave to intervene. It is a fundamental principle of law that no order should be granted against a party without affording that party a hearing⁴.

[12] The applicant does not have to satisfy the court that they will succeed in the main case. It is sufficient for the applicant to make allegations which, if proved, would entitle them to relief or show that their rights are adversely affected.

Analysis

[13] In deciding whether to grant the application for intervention, the Court must determine whether the applicant has a direct and substantial interest in the right that is the subject matter of the main application, whether the allegations made by the intervening applicant constitute a prima facie case or defence, and whether the application is made seriously and is not frivolous.

[14] In considering whether the application should be granted, the quality of the evidence must as well as conspectus of all the facts presented in respect of the application be evaluated.

² 2017 (5) SA 1 (CC).

³ [2019] ZAECPHC 42; *Kufuma (Pty) Ltd v Bidvest* [2023] ZAGPJHC 591.

⁴ *Unite behind v Buthelezi and Others* (2022/034768) [2025] ZAGPJHC 613 (17 June 2025).

[15] The respondents' counsel correctly states that a declaratory order has settled the issue of entitlement to maintenance; however, counsel overlooked the fact that the issue on review pertains to the substantive fulfilment of the declared right.

[16] I am persuaded by the submissions of the applicants' counsel that the quantum and any possible cost order if the matter proceeds unopposed directly and substantially dictates the extent of the estate's liability and, ultimately, the value of the residual estate to be distributed among the heirs.

[17] I am of the view that an interest in the outcome of litigation that dictates the size of one's inheritance is not a mere financial interest as argued by the respondents, but a legally cognizable interest in the review application.

[18] It is apparent *ex facie* the papers that the co-executors are in a position of inherent conflict, given their respective familial allegiances. In my view, the submissions of the applicants' counsel that this structure creates a legitimate risk of deadlock or ineffective representation of the estate's interests are persuasive. To deny the heirs a voice in the review would risk a judgment being taken without proper opposition. I am of the view that denying the applicants a voice in the review application offends the fundamental principle of *audi alteram partem*.

[19] The legal authorities cited by the intervening parties, particularly *SA Riding for the Disabled Association*, are apposite. Where a direct and substantial interest is shown, the court's discretion is narrow, and intervention should be allowed.

[20] In the premises, I find that the applicants have made out a *prima facie* case for opposing the review, and that the application is not frivolous, as it constitutes a *bona fide* attempt to protect their vested interests in the estate.

Costs

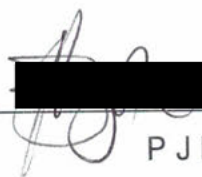
[21] The intervening parties sought costs only in the event of opposition. While costs normally follow the result, I have regard to the first respondent's personal

circumstances as outlined in the papers. In the exercise of my discretion, and to avoid unduly burdening her, I shall make no order as to costs.

Order

[22] I therefore make the following order:

1. The intervening parties are granted leave to intervene as fifth and sixth respondents in the review application brought by Aletta Johanna Anderson dated 19 February 2025;
2. The intervening parties are permitted to oppose the review application and in doing so deliver their answering affidavits within 15 (FIFTEEN) days from date of this order;
3. There is no order as to costs.


P J MOGOTSI
ACTING JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

Appearances

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Date heard: 09 February 2026

Date of Judgment: 16 February 2026