



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

CASE NO: 2024-004085

1. Reportable: No
2. Of interest to other judges: No
3. Revised

16 March 2026

WRIGHT J

SIGNATURE

In the matter between:

ALBERTINA GROBLER

APPLICANT

and

MASTER OF THE HIGH COURT, JOHANNESBURG

FIRST RESPONDENT

OOSTHUIZEN ROELAND HATTINGH INC

SECOND RESPONDENT

JUDGMENT – WRIGHT J

1. The applicant is the daughter of a woman who died some ten years ago. The second respondent is a firm of attorneys.
2. The founding affidavit relates a long history of difficulty and frustration for the applicant relating to the administration of the deceased estate of her mother. Files allegedly get lost in attorneys' offices and the original will is lost.
3. The applicant blames the second respondent.
4. The applicant seeks, in broad terms, an order that a copy of her late mother's will be accepted by the Master. The applicant, in her founding affidavit, says that she is the nominated heir and that she looked after her mother. The applicant candidly says that if a copy of the will is not accepted then her late brother's children will inherit, which according to the applicant, would be against her mother's wishes and it would be unfair as they did not care for the applicant's mother while she was alive.
5. In my view, the applicant's late brother's children have a direct and substantial interest in the outcome of this application and they should have been joined as respondents. The matter cannot proceed for this reason alone.
6. The applicant seeks an order that the second respondent be removed as executor in the deceased estate. Costs are sought against the second respondent.

7. The second respondent's answering affidavit raises huge disputes of fact and points out that the second respondent, not being a natural person, can't be appointed as an executor.
8. There appears to be no appointment of an executor by the Master as yet.

ORDER

1. Removed, costs reserved.
2. The applicant is to serve a copy of all the papers on the children of her late brother.



WRIGHT J

Judge of the High Court

Gauteng Division, Johannesburg

HEARD : 16 March 2026

DELIVERED : 16 March 2026

APPEARANCES :

Applicant **Adv D Theodorellis**

Instructed by **Louw Strydom Inc**

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Second Respondent **Adv G Ruther**

Instructed by **Miranda and Associates Inc**

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