

SOUTH AFRICA / JUDGMENT

Mashala and Another v Matlou and Others (41541/2006) [2007] ZAGPHC 280 (22 November 2007) [2007] ZAGPHC 280

COURT

High Courts - Gauteng

BEFORE

TM Makgoka

CASE / FILE NUMBER

41541/2006

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IN THE HIGH COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

UNREPORTABLE

CASE NO: 41541/2006

DATE: 22/11/2007

IN THE MATTER BETWEEN:

PAULINA MASHALA FIRST APPLICANT

MAGGIE JOHANNA MASHILO SECOND APPLICANT

AND

WILLIAM MAMATI MATLOU FIRST RESPONDENT

REGISTRAR OF DEEDS PRETORIA SECOND RESPONDENT

MPEDI MOTIMEDI INC. THIRD RESPONDENT

RAHLOGO TP FOURTH RESPONDENT

RAHLOGO RJ FIFTH RESPONDENT

J U D G M E N T

MAKGOKA [AJ]

- [1] In this matter the Applicants seek an order setting aside the sale to and subsequent registration of property known as Erf 3981 Atteridgeville, into the names of the Fifth and Sixth Respondents.
- [2] Upon perusal of the papers, I formed an initial view that there were a number of factual disputes which would not be capable of resolution on the papers. During argument I put across this view to counsel. Counsel were largely ad idem with my prima facie view. As a result, I intend to refer the matter for oral evidence on specific issues.
- [3] In the premises I order that the matter be referred to trial to hear oral evidence and determine the following factual issues:
- [3.1] whether or not the deceased, Lobisa Matlou was at the time of her death, the owner of the property known as Erf 3981 Atteridgeville;
- [3.2] whether or not the First and Second Applicants, together with the First Respondent, inherited the property from the deceased Lobisa Matlou;
- [3.3] whether or not there arose an agreement between the First and Second Applicants and the First Respondent that:
- [3.3.1] the property would be under the control of the First and Second Applicants.
- [3.3.2] the property would be registered in the name of the First Respondent on behalf of all the First and Second Applicants and the First Respondent.
- [4] Pending the determination of the above, the First and Second Applicants, shall, if they wish to continue occupation of the property, pay occupational rent in an amount equivalent to the monthly bond repayments payable by the Fifth and Sixth Respondents to Nedcor;
- [5] the amount payable by the First and Second Applicants in [4] above, shall be paid to TP Hotane Attorneys, to be kept in an interest- bearing Trust Account;
- [6] The costs hereof are reserved.

TM MAKGOKA

ACTING JUDGE OF THE HIGH COURT

HEARD ON: 31 OCTOBER 2007

1. FORTHE FIRST AND SECOND APPLICANTS : ZP MAKONDO

INSTRUCTED BY: MOFOMME ATTORNEYS

2. NO APPEARANCE FOR THE FIRST AND SECOND RESPONDENTS

3. FOR THE THIRD AND FOURTH RESPONDENTS: MJ MALOWA

INSTRUCTED BY: MPEDI MOTIMEDI INC

4. FOR THE FIFTH AND SIXTH RESPONDENTS: Z SCHOEMAN

INSTRUCTED BY: TP HOTANE ATTORNEYS

DATE OF JUDGMENT: 22 NOVEMBER 2007

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ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZAGPHC/2007/280.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/mashala-and-another-v-matlou-unknown-topic-agphc-2007>

Prepared on 13 October 2026 · Esheria