

SOUTH AFRICA / JUDGMENT

Mentoor v Magongoa and Others (084823/2023) [2025] ZAGPPHC 568 (2 June 2025) [2025] ZAGPPHC 568

COURT

North Gauteng High Court, Pretoria

BEFORE

GC Wright

CASE / FILE NUMBER

084823/2023

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IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case

No: 084823/2023

(1)

REPORTABLE: No

(2)

OF INTEREST TO OTHER JUDGES: No

(3)

REVISED

2

June 2025

WRIGHT

J

In

the matter between:

RENEILWE
LEGAE
MENTOOR
APPLICANT
and
ELIZABETH
NALEDI MAGONGOA
(
In her capacity as executrix)
FIRST RESPONDENT
NELSON
MAGONGOA
SECOND RSPONDENT
MASTER
OF THE HIGH COURT
THIRD RESPONDENT
(
Estate 7115/23)

JUDGMENT

WRIGHT J

1. The applicant, Ms Mentoore is the daughter of a man who passed away on 10 August 2023. The first respondent, Ms Mangogoa is a relative of Ms Mentoore. Ms Mangogoa is the appointed executrix in the deceased estate. The cited second respondent, also a relative, has apparently passed away since the launch of the application. The third respondent apparently does not oppose the application.
2. Ms Mentoore seeks a range of orders. The Master is to remove Ms Mangogoa as executrix, Ms Mangogoa is to disclose information and make payments to the estate and related relief is sought.
3. Ms Mentoore says, in a somewhat terse founding affidavit, that she agreed to the appointment of Ms Mangogoa as executrix in circumstances where she was deceived. Many irregularities in the winding up of the estate are alleged.
4. Ms Mangogoa's late answering affidavit raises huge disputes of fact which cannot be resolved on paper. Ms Mangogoa seeks condonation for the late filing of her answering affidavit as family deaths caused the affidavit to be late.

5. On 1 June 2025, the day before the present hearing, an affidavit was filed by Ms Engelbrecht, the agent of the present executor, Ms Elizabeth Magongoa, the first respondent. She says that 85% of the estate has been completed. Ms Engelbrecht is not a party to the present application. She wishes to be joined. Mr Ramapuputla, for the present applicant opposes such joinder. In the circumstances, the matter should be postponed and Ms Engelbrecht put on terms to deliver her application.
6. In her answering affidavit, Ms Elizabeth Magongoa raises the defence of the non-joinder of Ms Engelbrecht.
7. I make no finding on the question of whether or not Ms Engelbrecht can or should be joined.
8. What complicates matters is that there is a related application, which it seems, may overlap the present application. In that application, an order has been made referring the matter to evidence or trial on at least one issue.
9. In the circumstances, costs should be reserved.

ORDER

1. The matter is removed from the roll, costs reserved.
2. Ms Engelbrecht must launch her application to intervene by 17 June 2025 at 4pm.

GC Wright

Judge of the High Court

Gauteng Division, Johannesburg

HEARD : 2 June 2025

DELIVERED : 2 June 2025

APPEARANCES :

Applicant Att NE Ramapuputla Instructed by Ramapuputla Attorneys Inc
ramapuputla.attorneys@gmail.com First Respondent Mr CL Mabasa Instructed by Mabasa CL
Attorneys Inc mabasaclattorneys@gmail.com admin@mabasaclattorneys.co.za For Ms
Engelbrecht Adv L Keijser Instructed by Pistorius Scheepers

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