

SOUTH AFRICA / JUDGMENT

Ramatsetse-Moloi v Shiremane and Others (2025-110223) [2025] ZAGPPHC 770 (1 August 2025)

[2025] ZAGPPHC 770

COURT

North Gauteng High Court, Pretoria

BEFORE

E van der Schyff

CASE / FILE NUMBER

2025-110223

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REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO.: 2025-110223

(1) REPORTABLE: NO

(2) OF INTEREST TO OTHER JUDGES: NO

(3) REVISED: NO

Date: 1 August 2025

E van der Schyff

In the matter between

YVONNE KHOLOFELO RAMATSETSE-MOLOI

FIRST APPLICANT

and

MPUNA ELLEN SHIREMANE

FIRST RESPONDENT

PABALLO MAHLOSANE MOLOI

SECOND RESPONDENT

COMPANIES AND INTELLECTUAL PROPERTY

COMMISSION

THIRD RESPONDENT

DEPARTMENT OF TRADE AND INDUSTRY

FOURTH RESPONDENT

THE MASTER OF THE HIGH COURT

FIFTH RESPONDENT

JUDGMENT

Van der Schyff J

Introduction

- [1] The applicant approached the court for urgent relief. The facts of the matter are, however, peculiar in the sense that it is a second application instituted by the applicant following on the demise of Mr. Mpho Muntu Moloi. In the first application, she sought to be recognised as his customary law wife or partner. The first application was, however, seemingly abandoned, and the second was instituted on the basis that she is his customary law wife or partner. She seemingly succeeded in registering a customary law marriage after she instituted the first application and without the knowledge of the first and second respondents. A further conundrum in this matter is that the Master of the High Court issued two letters of executorship in the Estate Late M.M. Moloi. There is no indication that the applicant approached the Master to set aside the first letter of executorship. These aspects, in themselves, create difficulties for the applicant that can hardly be addressed in motion proceedings.
- [2] The first question to be determined, however, is whether the applicant made out a case for this application to be heard as an urgent application. The deceased passed away on 14 June 2024. The first respondent received an appointment as executor of the deceased's estate. However, the applicant fails to inform the court when she became aware of this appointment, which she now wants to set aside. She also fails to explain how she succeeded in obtaining a subsequent appointment as executrix in the same deceased estate without being appointed as co-executor, or with the first appointment being withdrawn.
- [3] The date on which she became aware of the appointment of the first respondent as executrix is essential for a party who wants to convince the court that an application should be dealt with on an urgent basis.
- [4] The applicant claims that the urgency arose on 25 June 2025 when she was informed that she needed to obtain a court order to remove the second respondent as the director of her 'late husband's company'. The applicant makes general, unsubstantiated averments that the

second respondent's directorship of the closed corporation, a juristic person not cited in these proceedings, causes 'ongoing financial harm'. She fails to explain how the second respondent harms the close corporation. She further makes an unsubstantiated general statement that the first and second respondents will squander the assets of the business.

- [5] Counsel for the first and second respondents submitted that the application is not ripe for hearing, among others, due to the peculiarity caused by the existence of the two applications, and the first and second respondents' view that the issue of the existence of the customary law marriage needs to be determined through review proceedings. I agree.
- [6] The same problems, however, is faced by the first and second respondents who issued a counter application. No case was made out why the counter application must be dealt with on an urgent basis, particularly in light of the fact that this court is not convinced that the Master of the High Court was first approached for relief.
- [7] The applicants and first and second respondents failed to make out a case that they will not be in a position to obtain substantial redress at a hearing in due course. Each party is responsible for its own costs.

ORDER

In the result, the following order is granted:

1. The application is struck from the roll.
2. Each party is responsible for its own costs.

Judge of the High Court

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For the applicant:

Adv. B. Letuka

Instructed by:

LEBO THAKADU INC.

For the first and second respondents: Adv. K. Maponya

Instructed by:

AS CHILOANE ATTORNEYS

Date of the hearing:

31 July 2025

Date of judgment:

1 August 2025

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