

SOUTH AFRICA / JUDGMENT

Tlali and Another v Government Employees Pension Fund and Others (8000/2020)

[2024] ZAGPPHC 843 (27 August 2024)

[2024] ZAGPPHC 843**COURT**

North Gauteng High Court, Pretoria

BEFORE

Basson AJ

CASE / FILE NUMBER

8000/2020

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Source record**REPUBLIC****OF SOUTH AFRICA****IN****THE HIGH COURT OF SOUTH AFRICA****GAUTENG DIVISION,****PRETORIA****CASE NO: 8000/2020****1.****REPORTABLE: YES/NO****2.****OF INTEREST TO OTHER JUDGES: YES/NO****3.****REVISED: YES/NO****DATE:**

27/08/2024

SIGNATURE**OF JUDGE:**

In

the matter between: TLALI
DIKELEDI ALINA
First Applicant
TLALI
DIKELEDI ALINA N.O.
Second Applicant
and
GOVERNMENT
EMPLOYEES PENSION FUND First
Respondent
MATHENGA
MATAKANE ANNY
Second
Respondent
MATHENGA
MATAKANE ANNY N.O.
Third
Respondent

JUDGMENT

Basson AJ

1.

Paragraph 5 of the order of my judgment handed down on 26 August 2024 reads that:

“5. The Second Respondent is interdicted from finalising the deceased estate of Khathatso Clifton Tlali or from the making of any payments or distributions

therefrom until the Second Respondent’s claim for maintenance in terms of the Maintenance of Surviving Spouses Act has been finalised.”

2.

This is a patent error and will not give effect to the judgment handed down. Paragraph 5 should read:

“5. The Second Applicant is interdicted from finalising the deceased estate of Khathatso Clifton Tlali or from the making of any payments or distributions

therefrom until the Second Respondent’s claim for maintenance in terms of the Maintenance of Surviving Spouses Act has been finalised.”

3.

I therefore correct the order I made on 26 August 2024 to read as follows:

[76] I therefore make the following order:

1. The point in limine raised in the counter application, insofar as it may still be necessary, is not upheld.
2. No order as to costs is made in respect of the point in limine.
3. Both of the applications and the relief sought in the main and the amended notices of motion are dismissed.
4. It is declared that the Second Respondent was the life partner of the late Khathatso Clifton Tlali.
5. The Second Applicant is interdicted from finalising the deceased estate of Khathatso Clifton Tlali or from the making of any payments or distributions therefrom until the Second Respondent's claim for maintenance in terms of the Maintenance of Surviving Spouses Act has been finalised.
6. First Applicant is ordered to pay all costs in respect of the initial and amended Notices of Motion including the costs in respect of the counter application.
7. No order for costs is made in respect of Second Applicant.
- 4.

I therefore so order.

Gauteng, Pretoria

Date Heard: 16 May 2023 Date of correction of order: 27 August 2024 Attorney for First and Second Applicants: Mr M D Hlatshwayo Advocate for Second and Third Respondents: Adv A Nell.

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Prepared on 12 October 2026 · Esheria