

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 22180/2016

In the matter between:

**MAKHATHINI, EUNICE SONOSINI**

Applicant

And

**GWALA, OCTAVIA HLENGIWE**

First Respondent

**MASTER OF THE HIGH COURT**

Second Respondent

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**SUMMARY**

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**SPILG, J:**

***DECEASED ESTATE AND POSSIBLE CUSTOMARY LAW OR OTHER LEGALLY  
RECOGNISED RELATIONSHIPS***

- 1. The widow of the late M, who also was appointed executrix in his estate, instituted proceedings against Ms. G who was described as the husband's "ex-girlfriend". .*
- 2. The widow sought orders to declare the relationship between Ms. G and her late husband to be dissolved. She also applied to have declared as divisible the immovable property in which Ms. G either resides, or has resided, and which is registered in the joint names of her late husband and Ms. Gwala and that an attorney nominated by her be appointed as receiver and liquidator attend to the division of that property.*
- 3. Ms. G entered appearance to defend but had not filed an opposing affidavit.*
- 4. Even assuming that the first prayer was competent the issues appear to involve inter alia the actual status of the relationship between Ms G and the late husband, whether they had consummated a customary union, and in any event concerned constitutional issues including the right of access to land and, if still in occupation, the application of PIE.*
- 5. Matter referred to oral evidence with adequate and cost effective discovery.*