



## THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

### MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

**From:** The Registrar, Supreme Court of Appeal

**Date:** 7 June 2025

**Status:** Immediate

***The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal***

*Thulare v Thulare & Others (470/2023) ZASCA 100 (7 June 2025)*

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Today, the Supreme Court of Appeal (SCA) upheld an appeal against a judgment and order of the Limpopo Division of the High Court, Polokwane (the high court). The appeal concerned a dispute about the identification of the acting king or queen of the Royal Bapedi Nation (the Bapedi). On 3 April 2020 the President of the Republic of South Africa formally recognised Victor Thulare III (Thulare III) as king of the Bapedi. Thulare III died on 6 January 2021 without having married a candle wife and, consequently, without an heir to the kingship. All parties to the dispute agreed that until a candle wife was identified, married by the community, and an heir born via a seed raiser, an acting king or queen would be identified to serve.

The parties in the appeal represented two competing camps within the broader Bapedi royal family. The appellant was Manyaku Maria Thulare (the queen mother) – mother to Thulare III and was the candle wife of his father and predecessor, the late king Rhyne Sekhukhune III. She claimed to have been identified as acting queen by a group of persons she contends are the core royal family. The first and second respondents represented a competing group, who claim to be the true royal family. The first respondent was Morwamuhube Ernest Thulare (ME Thulare), a half-brother of Thulare III. His legitimacy and descent were disputed by the queen mother. The second respondent was Thorometjane Deborah Thulare (TD Thulare), an aunt to Thulare III and ME Thulare. ME Thulare and TD Thulare averred that at a meeting of members of what they contended to be the royal family, ME Thulare was identified as acting king and seed raiser.

The dispute over who was legitimately identified as the acting king or queen spawned no less than five applications in the high court and were therefore consolidated. The main applications were twofold. First, TD and ME Thulare sought an order declaring that the latter had been lawfully identified as acting king and seed raiser by a properly constituted meeting of the royal family. The second was a counter-application by the queen mother for an order declaring that she had been lawfully identified as acting queen by a properly constituted meeting of the royal family. The high court granted ME Thulare's application and dismissed the queen mother's counter-application. The high court denied the latter leave to appeal and was granted special leave to appeal by the SCA.

The SCA found that the high court overlooked fundamental deficiencies – what or who constituted the royal family for purposes of identifying an acting monarch; and that the parties failed to adduce any expert, or other, factual evidence to support their assertions and to guide the high court in its determination of the issue. The SCA found further that those factors being important for such determination, the matter had to be remitted back to the high court for oral evidence to be heard, and it gave guidance on such exercise. In the result, the appeal was upheld.

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