



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: 26 June 2026

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 judgment of the Supreme Court of Appeal

De Bruyn v The Master of the High Court, Pretoria and Others (1388/2024) [2026] ZASCA 92 (26 June 2026)

Today the Supreme Court of Appeal (SCA) dismissed an appeal against an order of the Gauteng Division of the High Court, Pretoria, sitting as a full court, which had upheld the Master of the High Court's refusal to sustain Ms Jocelyn de Bruyn's (the appellant) objection to a spousal maintenance claim lodged in the liquidation and distribution account of the estate of her late father, Mr Johannes Jacob Prinsloo (the deceased).

The deceased passed away on 29 January 2015. He was married to the respondent, Ms Martha Johanna Prinsloo, for 26 years. The respondent was appointed executrix of the estate and was 70 years old at the time, had no formal qualifications or independent employment history and had been supported by the deceased throughout the marriage. The deceased's will bequeathed the immovable property to the appellant and a lifelong usufruct over that property to the respondent. The respondent appointed a third party to assist her in the winding up of the deceased estate and an actuary to assist in the calculation of her maintenance claim as surviving spouse. As the executrix, she published a provisional liquidation and distribution account (L&D account). The L&D account reflected a spousal maintenance claim against the deceased estate in terms of the Surviving Spouses Act 27 of 1990 (the Surviving Spouses Act) that exceeded the entire value of the deceased estate, leaving no assets available for distribution to the deceased's heirs. The appellant lodged an objection to the L&D account as she took issue with the 'excessive maintenance claim' and that it exceeds the value of the deceased estate.

On 29 October 2018, the respondent lodged an amended L&D account and a supplementary actuarial report which effect was that there was no balance available for distribution, but the estate is also not rendered insolvent. As a result, the Master was satisfied that the maintenance

claim complied with the provisions of the Surviving Spouses Act and dismissed the appellant's objection. The appellant launched an application in the high court to review and set aside the Master's decision in terms of ss 35(10) and 54 of the Estates Act 66 of 1965 (the Estates Act). The high court dismissed the application but granted the appellant leave to appeal the judgment to the full court. Before the full court the appellant persisted with her claim for an order that the decision of the Master be set aside and be replaced with an order to the effect that the objection to the L&D account is sustained. The full court dismissed the appeal with costs. On petition, special leave to appeal was granted to this Court.

The SCA held that a surviving spouse is entitled to claim from the deceased estate only for reasonable maintenance needs that she cannot meet from her own means and earnings. The relevant factors include the assets available in the estate, the survivor's existing means and earning capacity, and the standard of living maintained during the marriage. A maintenance claim does not arise by reason of the marriage alone, and voluntary financial contributions from adult children do not constitute the surviving spouse's own means for purposes of the Surviving Spouses Act.

The SCA confirmed that the respondent established both her need for maintenance and her inability to meet that need from her own resources. Her monthly income from part-time employment and irregular rental was insufficient to cover her expenses. The appellant's occupation of the immovable property, without payment of rent or utilities, deprived the respondent of her usufruct income and added to her financial burden. The deceased's will demonstrated an unambiguous intention to provide for the respondent's maintenance. Voluntary support provided by the respondent's son did not affect her entitlement under the Maintenance of Surviving Spouses Act 27 of 1990.

As a result, the SCA dismissed the appeal with costs.

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