



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

30 March 2010

STATUS: Immediate

Leketi v Tladi (117/09)[2010] ZASCA 38 (30 March 2010)

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

The SCA today dismissed with costs, an appeal by the appellant, Dr Stanley Ellias Leketi, from the judgment of the North Gauteng High Court (Thlapi AJ), which dismissed his action with costs, after a finding that his claim had become prescribed. Dr Leketi had instituted a claim for the recovery of certain immovable property known as Nooitgedacht No 287 situated in the District of Rustenburg, which belonged to his father, the late George Mogale, who died on 5 January 1966. Dr Leketi alleged that his late grandfather had fraudulently caused the property to be transferred and registered into his name on 25 June 1969, by claiming to be George's only surviving male heir and failing to disclose to the Registrar of Deeds, Pretoria that George was survived by three children from his marriage namely, Dr Leketi and his two sisters, who would have been lawfully entitled to inherit the property as George's intestate heirs.

Unfortunately Dr Leketi delayed instituting action and only caused his summons to be served in February 2004, some 24 years after he had turned 21 years. The executor of the estate of his late grandfather, Albert Mogale, took the point that his claim had become prescribed. The plea of prescription was upheld by the North Gauteng High Court and the SCA agreed with that finding.

Dr Leketi's appeal was accordingly dismissed with costs.