



## 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:** 11 April 2023

**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***

***De la Rey, Pieter Jacobus v PH de la Rey Family Trust and Others [2023] ZASCA 48***

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Today, the Supreme Court of Appeal (SCA) dismissed an appeal from the Equality Court, Gauteng Division of the High Court, Pretoria, sitting as the Equality Court (equality court). The appeal emanated from a complaint instituted before the equality court by the appellant alleging that he was treated differently when compared to his other family members in the process of the distribution of his grandfather's estate.

The appellant contended that he was discriminated against on account of his birth as he did not receive the inheritance to which he was entitled. The appellant was required to make out a case in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (Equality Act), which he failed to do. The SCA found that the appellant's complaint did not arise out of any 'wrong' which the Equality Act and thus the equality court was created to address. Rather, it was simply that the appellant did not receive what was due to him as those in control of the inheritance wrongly chose to distribute the benefits to him.

The appellant made out no case that he was denied anything because of or on account of his birth. In the result, this Court dismissed the appeal with costs, such costs to include those of two counsel where so employed.

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