

Supreme Court of Appeal of South Africa

MEDIA SUMMARY– JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

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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.

Christelis NO v Meyer NO

This case involved the estates of twin brothers, Peter and Alfred Christelis. During their lives they had engaged in business together and become wealthy men. Peter died in February 2003. Shortly thereafter a dispute arose between Alfred and his nephew, Peter's son, regarding the administration of Peter's estate. In the course of the dispute it was alleged that Alfred was in possession of assets of the estate in the form of diamonds, gold coins, jewellery and negotiable certificates of deposit. After his death in 2007 a witness came forward who said that he had been present when Alfred removed assets of this description from a safety deposit box with a bank. The action was instituted on behalf of Peter's estate to recover the value of the assets so removed.

The trial court, after a lengthy trial, held that the witness who claimed to have been present when Alfred removed assets from the safety deposit box was not a reliable witness. The majority of the SCA, consisting of four judges, agreed with the trial judge's assessment of this witness. In the result the appeal was dismissed.