



CASE INFORMATION

Case name:	Dukada v Zincume N.O. & others	Case no: 534/2016
Judge/s:	Brooks J	
Division:	Eastern Cape Local Division, Mthatha	
Nature of matter:	<p>Applicant - declaration that universal partnership</p> <p>The applicant launched an application in which she sought a declaration that a universal partnership existed between the applicant and the deceased Duncan Zolani Dukada; that half the assets of the estate of the deceased belonged to the applicant and that the court grants an order of costs only in the event of opposing the application.</p> <p>Held: the applicant has made out a case for a declaratory order to the effect that the immovable properties listed in annexure HD1 to the founding affidavit, with the exception of Unit 6, Shamrock Sands, East London, held under title deed ST1566/2013, are deemed to be assets of a universal partnership formed by the applicant and the deceased for their joint operation of the family businesses.</p>	
Court Order:	<p>The applicant, HLOMBEKAZI GLORIA DUKADA, and the deceased, DUNCAN ZOLANI DUKADA, formed a tacit partnership agreement during 1990 in respect of the conduct of family businesses conducted by them as equal partners until the death of the deceased;</p> <p>The applicant is entitled to one half of the net assets of the partnership referred in paragraph 1 of this order as at the date of the death of the deceased, alternatively to the payment by the estate of the deceased of an amount equal to one half of the net value of the assets of the partnership referred to in paragraph 1 of this order as at the date of death of the deceased;</p> <p>See the full order in the judgment</p>	
The summary does not form part of the judgment, it is provided as a guide for research purposes.		Heard on: 6 November 2017
		Delivered on: 14 November 2017