

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case No: **074260/2023**

(1) REPORTABLE: YES/**NO**

(2) OF INTEREST TO OTHER JUDGES: YES/**NO**

(3) REVISED.

22/7/2025

In the application between:

NEDBANK LIMITED

Applicant

and

ABANDONED VEHICLE AND TRUCK

SOLUTIONS (PTY) LTD

REGISTRATION NO. 2020/577413/07

First Respondent

SALVAGE GENIE (PTY) LTD

REGISTRATION NO. 2018/107676/07

Second Respondent

BEVAN RODNEY BEARSLEY HUGHES

Third Respondent

IDENTITY NO. 4[...]

T/A CENTRAL STORAGE DEPOT

MUSI HLAMALANE JERRY N.O.

Fourth Respondent

In his capacity as the liquidator of

ABANDONED SOLUTIONS (Pty) Ltd

REGISTRATION NO. 2015/242192/07

KEITH ALEXANDER ROUELL

Fifth Respondent

IDENTITY NO. 6[...]

KERRY JANE LOVE-SMITH

Sixth Respondent

IDENTITY NO. 8[...]

ERINN JEMMA ROUELL

Seventh Respondent

IDENTITY NO. 9[...]

ROBERT JOHN HENDERSON

Eighth Respondent

IDENTITY NO. 6[...]

**THE BANKING ASSOCIATION OF
SOUTH AFRICA NPC**

Ninth Respondent

BUSINESS AGAINST CRIME SA

Tenth Respondent

**THE SOUTH AFRICAN INSURANCE CRIME
BUREAU NPC**

Eleventh Respondent

**THE SOUTH AFRICAN MOTOR BODY
REPAIRERS ASSOCIATION**

Twelfth Respondent

**THE COLLISION REPAIRERS ASSOCIATION
OF SOUTH AFRICA**

Thirteenth Respondent

THE RETAIL MOTOR INDUSTRY ORGANIZATION

Fourteenth Respondent

**THE NATIONAL AUTOMOBILE DEALERS
ASSOCIATION**

Fifteenth Respondent

**IDA RISK MANAGEMENT (PTY) LTD
REGISTRATION NO. 2002/012297/07**

Sixteenth Respondent

JUDGMENT

J.F. GROBLER, AJ

- [1] Judgment in the above matter was handed down on 21 July 2025.
- [2] I have been advised per e-mail by the Applicant's Attorney of record that the judgment contains a typing error in paragraph 3.2 of the order in that the Vin number of the Ford Everest vehicle should be A[...].
- [3] In the premises, the order made on 21 July 2025 is hereby varied in terms of Rule 42(1)(b) of the Uniform Rules of Court to reflect the correct VIN number of the Ford Everest. The following order is made:
- “1. It is declared in terms of Section 21(1)(c) of the Superior Courts Act (Act 10 of 2013) that:
- 1.1. A salvage and/or improvement lien (collectively referred to as 'enrichment liens') cannot be ceded, sold or transferred.
 - 1.2. Any purported cession, sale and transfer of an enrichment lien is null and void;
 - 1.3. Any document purporting to transfer, cede or sell the possessor's right of possession of the property forming the subject of the lien without proper legal process, or without the consent of or an agreement with the owner / consumer is null and void.

2. The First and Second Respondents are ordered to provide the following information, in respect of each of the motor vehicles referred to in paragraph 3.1 to 3.5 below, to the Applicant within 7 (seven) days of the date of this order:

2.1 The name, address and contact number of the party who received possession of the motor vehicle as a whole or in parts from the First or Second Respondent; and

2.2 The reason for handing over possession of the motor vehicle or parts thereof to the party referred to in paragraph 2.1 together with any documents in that regard.

3. Any party in possession of the following motor vehicles or parts thereof is/are ordered to surrender the motor vehicles or parts thereof to the Applicant:

3.1. VW T6 combi 2.0 TDi Trend Line, Vin number W[...], engine number C[...].

3.2 Ford Everest 3.2 TDCi XLT A/T, Vin number A[...], engine number S[...].

3.3 Kia Sportage 2.0 CRDi, Vin number U[...], engine number D[...].

3.4 Landrover Evoque, Vin number S[...], engine number 0[...].

3.5 Mercedes Benz, Vin number W[...], engine number 6[...].

3. The Sheriff is authorized and requested to attach, seize and hand over the motor vehicles or parts thereof listed in paragraphs 3.1 to 3.5 above to the Applicant, wherever the motor vehicles or parts thereof are found.
4. The First to Third and Fifth to Eighth Respondents and/or any person, entity or association who may act for or on their behalf, directly or indirectly are interdicted and restrained from:
 - 4.1. Entering into or concluding any agreement or participating in any business practice regarding the acquisition, sale, transfer, cession of any lien over and/or in respect of any motor vehicle.
5. The Ninth to Sixteenth Respondents are ordered to communicate the contents of paragraph 1 and 4 of this order to their members, within 30 (thirty) days from the date of this order.
5. The First to Second and Fifth to Eighth Respondents are jointly and severally ordered to pay the Applicant's costs, including the costs of two counsel where so employed, respectively on scale B and C.

SIGNED AT PRETORIA ON THIS THE 22nd DAY OF JULY 2025.

J.F. GROBLER AJ
ACTING JUDGE OF THE GAUTENG DIVISION, PRETORIA

Date of hearing: **22 April 2025**

Date of Judgment: **21 July 2025**

For the Applicant: **Adv. J.P. Van den Berg SC**
Adv HP Van Nieuwenhuizen

Instructed by: **VHI Attorneys**

On behalf of the 1st to 2nd and
5th to 8th Respondents: **Adv. I. Mureriwa**

On instructions of: **R Crisp Attorneys**

On behalf of the
3rd Respondents: **No appearance**

On instructions of: **Grant Rae Attorneys**