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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, JOHANNESBURG

CASE NO: 190075/2025

DATE: 2025-10-24

- (1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES : NO
(3) REVISED

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SIGNATURE. DATE: 24 October 2025

In the matter between

MOSHIN ALLI ISMAIL

and

CITY OF JOHANNESBURG

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J U D G M E N T *EX TEMPORE*

WILSON J: The applicant is a car dealer. A car he says he purchased was left apparently abandoned in a public place. It was as a result impounded by the City of Johannesburg. The applicant challenges the legality of the impoundment. He brought an urgent application before me claiming the return of the car. In its answering affidavit, the City points

out that the applicant is not the registered owner of the car, and refuses to deal with the applicant unless until he can show he owns the car. According to the applicant, the position is that he owns the car because he bought it from the previous owner's wife, who sold the car to the applicant after its previous owner died.

The City has apparently threatened to crush the car or declare it forfeit to the State, unless the owner of the car pays the applicable impoundment fees. The applicant
10 challenges the legality of the impoundment and refuses to pay the fees the City says are due. He tenders an affidavit from the previous owner's wife to show that he is the purchaser of the vehicle, and that ownership has passed to him, notwithstanding that his ownership is as yet unregistered.

The City puts up a strong *prima facie* case that it impounded the car in a manner consistent with its powers under the currently applicable Regulations. The applicant disputes this, but also seeks to challenge the constitutional
20 validity of the Regulations themselves.

That challenge is not before me, but I think that the applicant's case is sufficiently urgent to justify an interdict that will restrain the destruction or forfeiture of the car until the applicant has been given a reasonable opportunity to prove his ownership, and to challenge the City's conduct

and/or the legality of the Regulations under which the City acted.

Accordingly, I order as follows –

1 The application is declared urgent.

2 The first respondent is interdicted and restrained from destroying or declaring forfeit a Grey Mercedes Benz 124 series 230E in its possession, bearing VIN number 1[...], engine number 1[...] and registration number S[...] (“the vehicle”), pending the final determination of a
10 challenge to its impoundment.

3 The interdict in paragraph 2 above will lapse if –

3.1 The applicant does not provide an affidavit from the spouse of the deceased registered owner of the vehicle confirming that the vehicle was sold to the applicant, or other proof to the satisfaction of the first respondent that the applicant owns the vehicle, within seven calendar days of the date of this order.

20 3.2 The applicant does not launch proceedings to challenge the impoundment of the vehicle within one month of the date of this order.

4 The first respondent is directed, on receipt of an affidavit from the spouse of the deceased registered owner of the vehicle confirming that the vehicle was sold to the applicant, or of other proof to the

satisfaction of the first respondent that the applicant owns the vehicle, to provide the applicant with a copy of the infringement notice under which the vehicle was impounded.

- 5 The question of costs is reserved for determination in the ordinary course.

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WILSON J
JUDGE OF THE HIGH COURT
24 October 2025