IN THE SPECIAL TRIBUNAL ESTABLISHED IN TERMS OF SECTION 2(1) OF THE SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNALS ACT 74 OF 1996 (REPUBLIC OF SOUTH AFRICA)

CASE NO: GP25/2025

In the matter between:

OMAR'S MOBILE DEN CC t/a OMARS MOTOR DEN (Registration No: 2000/047699/23)	Applicant
And	
SPECIAL INVESTIGATING UNIT	First Respondent

In *Re*:

SPECIAL INVESTIGATING UNIT	Applicant
And	
BLACK PAPER TRADING AND SUPPLIERS (PTY) LTD (Registration number: 2016/089375/07)	First Respondent
MHR MAUMELA FAMILY TRUST (Trust Number: IT003693/2016 (G))	Second Respondent

HANGWANI MORGAN MAUMELA N.O.	Third Respondent
RUMANI MURUMIWA MAUMANE N.O.	Fourth Respondent
MBONENI **BENEDICTA MAUMELA N.O.**	Fifth Respondent
MORE CONCERTS (PTY) LTD (Registration number: 2014/055748/07)	Sixth Respondent
MORAKA DEVELOPMENT AND SUPPLIERS (PTY) LTD (Registration number: 2017/138389/07)	Seventh Respondent
HANGWANI MORGAN MAUMELA (Id Number: **82[…]**)	Eighth Respondent
RUMANI MURUMIWA MAUMELA (Id Number: **92[...])**	Ninth Respondent
MBONENI **BENEDICTA MAUMELA** (Id Number: **56[…]**)	Tenth Respondent

HUMBELANI TSHIVHUNDO (Id Number: **69[…]**)	Eleventh Respondent
MURENDENI MUDAU (Id Number: **86[…]**)	Twelfth Respondent
THE REGISTRAR OF DEEDS **PRETORIA**	Thirteenth Respondent
THE REGISTRAR OF DEEDS, **CAPE TOWN**	Fourteenth Respondent
THE REGISTRAR OF DEEDS, PIETERMARITZBURG	Fifteenth Respondent
MEC RESPONSIBLE FOR **HEALTH: GAUTENG PROVINCIAL** **GOVERNMENT**	Sixteenth Respondent
JACQUES VAN WYK N.O.	Seventeenth Respondent
INVESTEC BANK LIMITED	Eighteenth Respondent

COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE	Nineteenth Respondent
NATIONAL DIRECTOR OF PUBLIC PROSECUTION	Twentieth Respondent
ALL THE OTHER 39 ENTITIES AND THEIR RESPECTIVE DIRECTORS MENTIONED IN ANNEXURE "A".	Twenty-First to Seventy-Seventh Respondents
THE REGISTRAR OF DEEDS **LIMPOPO**	Seventy-Eighth Respondent
ABSA BANK LIMITED	Seventy-Ninth Respondent
FIRST RAND BANK LIMITED	Eightieth Respondent
STANDARD BANK LIMITED	Eighty-First Respondent
CAPITEC BANK	Eighty-Second Respondent

DISCOVERY BANK LIMITED Eighty-Third Respondent

TYME BANK LIMITED Eighty-Fourth Respondent

MINISTER OF POLICE Eighty-Fifth Respondent

JUDGMENT

Victor J

> **Lord Denning's well-known remarks:**
>
> **"No court in this land will allow a person to keep an advantage which he has obtained by fraud. No judgment of a court, no order of a Minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything. The court is careful not to find fraud unless it is distinctly pleaded and proved; but once it is proved, it vitiates judgments, contracts and all transactions whatsoever.” [1]**

[1] On 29 September 2025 the Special Investigating unit (SIU) obtained a preservation order from the Special Tribunal for the preservation of a number of luxury vehicles which were allegedly acquired and disposed of as part of a money laundering scheme. This is a reconsideration application brought by way of urgency where the applicant, Omar’s Mobile Den CC trading as Omar’s Motor Den seeks the return of five of those luxury vehicles which were preserved pursuant to that order. The vehicles are registered in its name. It also seeks the return of another luxury vehicle which has been preserved belonging to one of its customers, the Morgan Family Trust.

---

[1] *Platinum Wheels (Pty) Ltd v National Consumer Commission and another* 2025 (3) SA 459 (SCA) quoting *Lazarus Estates Ltd v Beasley* [1956] 1 QB 702 (CA) At 712

[2] These vehicles are described as follows

2.1 2023 model Aston Martin (Chassis ending 11224 registered in the name of the applicant;

2.2 2023 model Aston Martin (Chassis ending 2768 registered in the name of the applicant;

2.3 2023 model Rolls Royce (Chassis ending 6431 registered in the name of the applicant

2.4 2021 model Ferrari 812 (Chassis ending 7797) registered in the name of the applicant;

2.5 2018 model Ferrari 488GTB (chassis ending 9444) registered in the name of the applicant;

2.6 2021 model Ferrari 812 (Chassis ending 58210) registered in the name of the Morgan Family Trust.

(the vehicles)

[3] On 29 September 2025 the SIU obtained an ex parte preservation order from the Special Tribunal to preserve a number of assets arising out of the alleged unlawful conduct of what is colloquially known as the Maumela syndicate that operated in the well-known corruption scandal relating to procurement at the Tembisa Provincial Tertiary Hospital. The preservation order was varied on 7 October 2025 to include further assets.

[4] The preserved assets include motor vehicles and immoveable properties now protected by a curator bonis, Mr Jacques Van Wyk, appointed by the Special Tribunal.

[5] The preservation order was made ex parte and on the basis of urgency pending the institution of more than 41 actions against various parties. The order preserved the rights of SARS and the NPA Asset Forfeiture Unit. Whilst SARS and the NDPP were cited as the 19th and 20th respondents in the ex parte application, they were not represented at this

reconsideration hearing. It is also unclear from the record if this reconsideration application was received by the 19th and 20th respondents. The preservation order continues to preserve their rights. Be that as it may the application was fully argued by the counsel for the applicant and senior and junior counsel for the SIU.

[6] The SIU contended that some of the respondents referred to in the ex parte application purchased a total of 26 high value motor vehicles with a cumulative value of R 208 689 148.71. It is the SIU's case that these luxury vehicles were purchased from the proceeds of unlawful activities. It submits that Mr Maumela, the king pin in the Maumela syndicate registered the vehicles to proxies or linked parties in order to conceal the true ownership.

[7] Accordingly, the issue of de facto ownership of these vehicles arises as an interim point for determination in this reconsideration application. The SIU has raised a serious challenge to the applicant’s true ownership of the said vehicles and steadfastly continues to submit that the vehicles are part of a money laundering scheme executed by the Maumela Syndicate. In essence the SIU contends that these luxury vehicles were sold to the applicant at an unusually discounted price by members of the syndicate. The Maumela syndicate is an alleged criminal syndicate that committed procurement irregularities at the Tembisa Provincial Tertiary Hospital.

The applicant’s submissions

[8] It is the case of the applicant that the ex parte application brought by the SIU in respect of these vehicles is fatally flawed in that at the hearing of the ex parte preservation application, the SIU failed to bring to the attention of the Special Tribunal that the vehicles were in fact owned by the applicant and not by the MHR Trust and/or Mr Maumela whom the SIU was investigating.

[9] The applicant contends that the ex parte requirements were not met. The applicant urges the Special Tribunal to examine carefully the facts which were known to the SIU at the time of seeking the ex parte order, namely that the eNATIS certificates [2] in possession of the SIU at time showed the applicant as the owner. These facts were not disclosed to the Special Tribunal at the time.

[10] The applicant contends that there was a duty on the SIU to place the full facts before the Special Tribunal at the time that the preservation application was brought. It cannot be disputed that at the time of moving the application before the Special Tribunal, the SIU knew that the eNATIS certificate reflected that the five vehicles were owned by the applicant.

[12] The applicant points out that there was a duty on SIU to place these material facts before the Special Tribunal. It too, should have been notified of the SIU's intentions because it had in its possession the eNATIS certificates demonstrating unequivocally that the applicant was the owner of the vehicles.

[13] It is the applicant's case that the SIU contradicted its case from the time of launching the ex parte application and filing its supplementary affidavit. The facts in the founding affidavit contended that the vehicles were held by proxies for the MHR Trust, implying therefore that the applicant was a proxy. This the applicant says can be inferred from the way in which the SIU's case was pleaded. The applicant contends that it can also be inferred that the applicant received instructions for each of the vehicles from the MHR Trust or Mr Maumela and therefore the applicant formed part of a network designed for the purpose of concealment of assets. The SIU did not accept this interpretation as it had not made direct assertions against the applicant with any detail.

[2] The certificate of registration that provides proof of ownership issued by the National Traffic Information system. It confirms ownership but does not reflect any agreement between the parties.

The SIU contends that its pleaded case was a general description of what the syndicate activities showed at that stage.

[14] The applicant criticises the SIU's further affidavits and the misinformation contained therein. It continues to misstate that some of these vehicles were registered in the name of Mr Maumela despite holding the eNATIS certificates. The applicant submits that in the supplementary affidavits the SIU, tried to change the basis of its cause of action. The applicant points out that despite the SIU having the information, no case has been made out that the applicant was a proxy owner for these persons. It argues that the SIU must be held to the case it made out in the founding affidavit supporting the ex parte application.

The SIU's submissions

[15] The SIU does not oppose the relief of the applicant's participation in the main proceedings but continues to oppose the relief sought by the applicant to release the vehicles from the preservation orders on 29 September 2025 and varied on 7 October 2025. What was offered to justify the ex parte character of the application was essentially this. The ex parte application was launched as a matter of urgency and was pursuant to an ongoing investigation involving a complex set of circumstances involving billions of rand of procurement fraud.

[16] It is the SIU's case that the mere reflection of registered ownership of vehicles on the eNATIS system is not determinative of lawful ownership nor does it confirm the lawfulness of the underlying transaction which gave rise to the registration on the eNATIS system. It submits that the lawfulness of the underlying transaction which gave rise to the registration must be considered.

[17] The SIU submits that throughout the investigation it has demonstrated its bona fides and approached the Special Tribunal in good faith. It asserts that the vehicles in

question were bought with the proceeds or instruments of unlawful activity. The SIU submits that the mere registration and alleged payments of the purchase price by the applicant for the vehicles is insufficient to disturb the preservation order at this stage. Its good faith is corroborated by the fact that all the respondents mentioned in the ex parte order were granted leave to set the matter down for reconsideration in terms of Rule 12(9) of the Special Tribunal Rules.

[18] The SIU submits that these are exceptional circumstances and the principles relating to an ex parte applications can be relaxed in these exceptional circumstances. [3] Reference was made to the case of *Mazetti* [4] to justify that an ex parte order can be granted where assets could be dissipated if a party is forewarned of the ex parte order.

[19] The SIU accepts the principle that full disclosure of material facts is necessary. The SIU points out that the failure to disclose the applicant's position was not as a result of deliberate or negligent or willful conduct. It did describe to the Special Tribunal the nature of the ongoing complex and incomplete nature of the investigation at the time that the preservation order was sought. The SIU points out that in the founding affidavit of the ex parte application mention is made that certain assets were registered in the names of third parties and that ownership was contested and that further evidence would be uncovered during the course of the investigation. It contends that all the material facts as were disclosed were sufficient to grant the order.

[20] The SIU argues that the preservation order can only be set aside where the non-disclosure is material and that it would have affected the Special Tribunal's decision. The alleged omissions related to facts that were expressly foreshadowed as part of the ongoing investigation, thereby justifying the vagueness in relation to third parties such as the applicant.

[3] *South African Airways Soc v BDFM Publishers (Pty) Ltd and* Others 2016 (2) SA 561(GJ) para 22

[4] *Mazetti Management Services (Pty) Ltd and Another v Amabhungane Centre for Investigative Journalism NPC and Others* 2023 (6) SA 578 (GJ):

[21] The SIU pleads that both in the founding affidavit and in the supplementary affidavits, it is not its case that registration on the eNATIS system equates to ownership. The preservation orders arose from an extensive investigation into the procurement irregularities at the Tembisa Provincial Tertiary Hospital where the Maumela syndicate operated and abused the procurement processes.

[22] The SIU points out that the founding affidavit indicates that further parties would be joined arising out of the investigation and that the Maumela syndicate was actively selling, dissipating, secreting and hiding assets forming part of the restrained vehicles and immovables. It submits that the syndicated activities and the complexity thereof and the pattern of financial transactions justified the preservation order. It relies on the *Natal Joint Municipal Pension Fund* [5] case in order to urge that a contextual approach should be adopted and that the Special Tribunal ought to interpret the preservation orders holistically. In addition the language of the orders should be read together with the affidavits. It was not the SIU's intention to establish final ownership at this preservation stage, it was to prevent dissipation of the assets.

[23] The SIU also submits that it did not attempt to bolster its case at the reconsideration stage by introducing further evidence and relies on the case of *Gamnet-Adams* [6] where the principle of adding additional evidence at a later stage was held to be a means of ensuring fairness and should be allowed if such evidence was in the interests of justice. The six principles arising out of the *Gamnet-Adam's* case really envisages an explanation for the reasons not placed before court earlier. This includes the materiality of the evidence, whether the evidence merely responds to issues raised in opposition, and whether the evidence introduced is to relieve the pinch of the shoe, the balance of prejudice between the parties and the need to determine dispute of all relevant facts.

---

[5] *Natal joint municipal pension fund versus Endumeni municipality 2012 (4) SA 593 SC A para 18019*

[6] *Gamnet Adams Properties (Pty) Ltd v Thomas* ZAGP JHC 534 (4 June 2024)

[24] The SIU explains that the additional evidence was placed before the Special Tribunal in order to ensure that the assets would not be dissipated and that an overly formalistic approach would not be in the interests of justice. It is not seeking to bolster its case and urges that it is in the interests of justice and fairness to both parties that the preservation order in respect of those vehicles remain in place.

[25] The SIU submits that the continued preservation of the vehicles is necessary and justified as the underlying transactions passing ownership to the applicant are suspect. The purported transfer of ownership by Luthaga Trading Enterprises (Pty) Ltd (Luthaga) was not valid since Ms Maudu, the director, had no knowledge of the purchase of the vehicles nor the transfer of ownership, nor payments into the Luthaga bank account. She is the sister of Mr. Maumela in question and signed whatever documentation was needed. In fact, some of the vehicles were never registered in the name of Luthaga. The Aston Martin chassis number ending 11224 was allegedly purchased on 17 October 2023 from Luthaga for an amount of R2.5 million. The applicant explains that it did all the necessary checks and then effected payment of that amount into Luthaga's bank account and the vehicle was then registered in the applicant's name on the eNATIS system on 20 October 2023. It is clear from the SIU's investigation that the said vehicle was never registered in the name of Luthaga and was previously registered in the name of Daytona Pty Ltd. On 15 July 2022 Daytona issued a tax invoice to the MHR Family Trust in the amount of R5 032 358.50 for the same vehicle and this vehicle was then sold for R2 500 000. This substantial discount raised concerns.

[26] In relation to the Aston Martin chassis no ending 2768, the applicant states that it purchased the vehicle from Luthaga on 12 July 2025 for an amount of R4 million. It took delivery of the vehicle and registered it into its own name on 23 July 2025. Again, Luthaga was not the true owner. The applicant contends that it had no knowledge of the forged documents and it is clear that Luthaga was never the registered owner of the

vehicle. The original acquisition price of the Aston Martin was R6 million rendering the alleged sale price of R4 million irrational. SIU submits that this is consistent with a nominee arrangement to distance the true beneficial owner from the vehicle.

[27] In relation to the Rolls Royce chassis no ending 6431, the applicant purchased this Rolls Royce Cullinan on 11 April 2025 from Luthaga for a purchase amount of R10 600,000. The applicant submits that it did a reasonable check as a motor dealer would, to satisfy itself that Luthaga was the true owner of the vehicle. There is a declaration on the supplier form dated 11 April 2025 and the address of Ms Mudau, a VAT 264 form and proof of payment. It took delivery and registered the vehicle in its name on 16 April 2025. The amount of R10 600000 was paid into Luthaga's bank account. The initial transaction shows that the Rolls Royce was purchased by Mr. Maumela or the MHR trust for approximately R16.7 million Rand. Luthaga was never the registered owner of the vehicle. Daytona remained the registered owner. The SIU submits that the applicant's explanation is untenable as the Rolls Royce was never owned by Luthaga and this was part of the scheme where Ms Mudau's name was used and that the monies paid into the Luthaga bank account were controlled by her brother, Mr Maumela.

[28] Again, the SIU submitted that the discounted price of the sale to the applicant raised concerns. Luthaga was never the registered owner of the vehicle and the significantly reduced prices bears the hallmarks of a simulated or nominee transaction and therefore the applicant's lawful title to the vehicles is challenged.

[29] There are similar concerns about the Ferrari with chassis number ending 7797 purchased from Drivetime Auto for R 8 370 221.34 on 6 November 2020 and applicant purchased it for R6.8 million. The Ferrari chassis ending 9444 was purchased by the applicant on 27 March 2025 for an amount of 3.7 million Rand, SIU contends that the applicant could not have made a proper check. The vehicle was in fact purchased by Mr

Maumela for R6 413 045.44 in September 2018 and sold at the much reduced price in May 2025 to the applicant.

[30] The SIU points out that Drivetime Auto was not a legitimate dealership nor a bona fide purchaser. It operated from a residential address and failed to pay for the vehicles and acted as an intermediary to obscure beneficial ownership.

The merits of the reconsideration application

[31] The central issue for determination is whether the production of the eNATIS certificates reflecting ownership is sufficient proof of ownership even if the underlying transaction of transfer of ownership is challenged on the basis of a fraudulent scheme and whether a non-existent transferor can pass true ownership.

[32] The SIU is playing a commendable and valuable role in trying to uncover corruption in South Africa. In April 2025 South Africa's anti-corruption watchdog, Corruption Watch (CW), stated that it has received an avalanche of over 46 000 complaints, painting a grim picture of a country still battling deeply entrenched graft. There have been ongoing commissions of enquiry into corruption. Corruption has become deeply embedded in South Africa. Notwithstanding this dire situation, when applying rules of evidence, the Rule of Law must be closely followed and applied. Jurisprudential principles cannot be cast aside in the interests of closing in on the corrupt, despite the catastrophic epidemic of corruption in our country. Our Rule of Law will hold without compromising our well entrenched jurisprudential principles.

[33] At this stage there is no actual evidence of corruption against the applicant nor of it being part of a money laundering scheme. There are suspicions as the applicant purchased luxury vehicles from Luthaga and others without it considering more carefully the authenticity of the purported owners of the vehicles and whether the sellers were indeed entitled to pass transfer. On a rough calculation, the applicant bought in about

R40million worth of vehicles at a significantly discounted price in a matter of months in some instances. The evidential value of this discrepancy at this stage remains an allegation and not evidence.

[34] In ex parte applications, the applicant must disclose all material facts, which might influence a court or in this case the Special Tribunal to grant or refuse the relief sought. Failure to do so may result in the setting-aside of the order sought. The non-disclosure or suppression of facts need not be willful or mala fide to incur the penalty of rescission and the court, apprised of the true facts, has discretion to set aside the order or to preserve it.[7]

[35] In *Phillips and Others v National Director of Public Prosecutions*, Howie P said:

> "It is trite that an ex parte applicant must disclose all material facts that might influence the Court in deciding the application. If the applicant fails in this regard and the application is nevertheless granted in provisional form, the Court hearing the matter on the return day has a discretion, when given the full facts, to set aside the provisional order or confirm it. In exercising that discretion, the latter Court will have regard to the extent of the non-disclosure; the question whether the first Court might have been influenced by proper disclosure; the reasons for non-disclosure and the consequences of setting the provisional order aside."[8]

[36] I find that in this matter, the SIU had a duty to disclose each and every fact and circumstance including the eNATIS certificates which might have influenced the Special Tribunal in deciding to grant or withhold the relief sought. The evidence of ownership was available. I understand the complex and urgent circumstances that prevailed at the time but the attachment of the eNATIS certificates would not have taken any time to attach to the founding affidavit.

---

[7] *Schlesinger v Schlesinger* 1979 (4) SA 342 (W) at 349A – B.

[8] *Phillips and Others v National Director of Public Prosecutions* 2003 (6) SA 447 (SCA) at para 29

[37] The applicant submits that the SIU is not an expert in relation to the valuation of vehicles, so the mere fact that the vehicles were sold back to the applicant at much reduced prices is a neutral fact at this point. It is noteworthy that the invoices submitted by the original owners and the payment made by the applicant for the vehicles is an objective fact illustrating the discount. Maybe it was simply a commercial windfall but all that can be investigated in due course.

[38] It is clear that the SIU did not place before the Special Tribunal at the time of obtaining its preservation order the eNATIS certificates in its possession demonstrating that the applicant was the owner of the vehicles. The SIU makes out a case that the urgency and complexity of the investigation meant steps had to be taken to try and prevent further dissipation.

[39] The strict application of the principles in ex parte applications does not behove the SIU to withhold material information. The SIU submitted that the steps it took were justified because of the exceptional circumstances.

[40] Whilst the eNATIS certificates reflect prima facie proof of ownership, clear learning emerges from our principles of common law pertaining the abstract theory for the passing of ownership. Although the case referred to deals with immoveable property, the principle apply to general agreements, Brand JA stated in *Legator McKenna Inc and Another v Shea and Others* para 22 and referred to with approval by Shongwe JA in *Meintjes NO v Coetzer and Others*:

> " In accordance with the abstract theory the requirements for the passing of ownership are twofold, namely delivery - which in the case of immovable property is effected by registration of transfer in the deeds office - coupled with a so-called real agreement or 'saaklike ooreenkoms'. The essential elements of the real agreement are an intention on the part of the transferor to transfer ownership and the intention of the transferee to become the owner of the property (see eg Air-Kel (Edms) Bpk h/a Merkel Motors v Bodenstein en 'n Ander 1980 (3) SA 917 (A) at 922E - F; Dreyer and Another NNO v

AXZS Industries (Pty) Ltd supra at para 17). Broadly stated, the principles applicable to agreements in general also apply to real agreements. Although the abstract theory does not require a valid underlying contract, eg sale, ownership will not pass - despite registration of transfer - if there is a defect in the real agreement (see eg Preller and Others v Jordaan 1956 (1) SA 483 (A) at 496; Klerck NO v Van Zyl and Maritz NNO supra at 274A - B; Silberberg and Schoeman op cit at 79 - 80).[9]

Underlining for emphasis

[41] The transfer of an asset such as a motor vehicle and then registered on the eNATIS system confirms the transfer of the asset from one party to another. This ensure clarity. But in the light of the known objective facts namely that Luthaga did not have title to transfer the vehicles and that Ms Maudu points out that she knew nothing about the vehicles or the sale of the vehicles and that the business of Luthaga was managed by her brother, Mr Maumela, caution must be applied at this interim stage.

[43] The applicant has its rights as registered owner and these rights must be balanced against the facts that have been placed before the Special Tribunal by the SIU. There also remains the puzzling aspect of the purchase of several luxury vehicles and sold by an entity that did not own them, notwithstanding the purchase price into the non-owner's bank account.

[44] In this reconsideration application, I cannot make a finding on the true ownership of the vehicles and can only consider eNATIS certificates which have been placed before me. However, that is not the end of the matter. The interests of justice requires the Special Tribunal to consider the investigation by the SIU. The omission of the eNATIS certificates in ex parte application cannot erase the entire investigation of the SIU and it also cannot prevent balancing the interests of all the parties. The applicant was a motor dealer with ample resources, purchasing luxury cars valued at millions of Rand and did not check the true owner of the vehicles, is a factor not to be ignored.

---

[9] *Legator McKenna Inc and Another v Shea and Others* [9]2010 (1) SA 35 (SCA) in para 22 (and referred to with approval by Shongwe JA in *Meintjes NO v Coetzer and Others* 2010 (5) SA 186 (SCA) in para 8):

[45] Accordingly, the applicant's rights do not in these circumstances extinguish the case made out by the SIU simply because it breached the ex parte principles. It also does not force the SIU to abandon its right to the vehicles. The SIU's submission that the underlying causa of the transfer may be consistent with the Maumela's syndicate fraudulent money laundering scheme, cannot be ignored. Until the investigation is complete, the applicant remains an innocent purchaser of the vehicles.

[46] The vehicles are currently being preserved by the curator bonis. In weighing the rights of both the applicant and the SIU, I am going to allow the curator bonis to release the vehicles to the applicant. This will avoid storage costs which I am sure would be prohibitively expensive in the circumstances. This release is subject to the requirement that the proper security must be put in place. It bears mention that since October 2025 the applicant has attempted to negotiate a settlement with the SIU to no avail. It offered to put up security and this was refused. The applicant had a buyer for the Rolls Royce vehicle where it could have made a profit of R1million but that did not move the SIU to engage with the applicant to find a solution.

[47] Because the applicant has agreed to put up security for the value of the vehicles, the vehicles will be released on condition that reasonable security as determined by the curator bonis is put up. If there is no consensus on the amount of security, the parties can approach the Special Tribunal to make an appropriate ruling. Should there be buyers for the vehicles, I cannot allow the applicant to be prejudiced as the investigation may take many months to complete. In the event that there are buyers for the vehicles, the applicant may sell the vehicles, but it must notify the curator bonis of this, provide proof of a bona fide purchaser, the purchaser's details and that the sale is for a fair price.

[48] All this is subject to the security remaining in place until the end of the investigation and can only be released at the time when the SIU has completed the

investigation. At that stage the Special Tribunal may be approached to make an appropriate order as the case may be.

[49] It follows therefore that where the underlying transaction is disputed on the basis of a corrupt money laundering scheme, these cautionary mechanisms must be put in place to protect the interests of the State and the rights of the applicant. It is trite that the effect of corruption is far-reaching and the Special Tribunal must put in place precautions. If fraud or corruption is proven finally then the interests of both parties have been served by the order I make. It would also vitiate the transaction. But as cautioned by Lord Denning a court is careful not to find fraud unless it is distinctly pleaded and proved. That stage in these proceedings has not been reached since this is an interlocutory stage in the proceedings.

[50] I make no order in relation to the car owned by the Morgan Family Trust.

Costs

[51] The SIU despite being under immense pressure in this investigation did have the eNATIS certificates in its possession at the time it presented its ex parte application to the Special Tribunal. It nevertheless failed to present that evidence. The SIU had a suspicion that the MHR Trust or Mr Maumela was using the applicant as a proxy. It would also have known that there was a sale for value, albeit it on its version, the vehicles in question were bought at values way below market value or certainly at a substantially lower price than was paid. The eNATIS certificates would have shown who the transferor was.

[52] It would have been a simple step for the SIU when faced with a formal registration of ownership documents being the eNATIS certificates, to include that information in the ex parte application before the Special Tribunal.

[53] The jurisprudential principles relating to ex parte applications as set out in the *Schlesinger* case are accepted by the SIU, but it seeks to justify its deviation by invoking the principles set out in the *Endumeni* case, by relying on the context of the Special Tribunal orders and the evidence. In this case the consequences of registered ownership where the SIU had this knowledge does undermine its reliance on context in the reading of the orders and the affidavits. Reliance on the proper interpretation of the orders and the affidavits justifying the bypassing of accepted principles of material disclosure in ex parte applications is flawed.

[54] Whilst the preservation of the vehicles in the adjusted form remains in place, the question of costs must be adjudicated. The applicant had to launch this reconsideration application in order to protect its ownership and commercial interests. It is so, that the process of ownership is in dispute, and that the SIU's investigation yielded suspicious transactions, but this did not justify the decision to omit the eNATIS certificates.

[55] Although the applicant was represented by three counsel, I am only going to allow the cost of one counsel being Mr Alli. The SIU is ordered to pay the costs of the reconsideration application including the cost of one counsel.

Order

The following order is made:

1. The applicant is granted leave to intervene in the main application.
2. The following vehicles may be released to the applicant subject to the conditions set out in prayer 3 below:
   2.1 2023 model Aston Martin (Chassis ending 11224 registered in the name of the applicant;
   2.2 2023 model Aston Martin (Chassis ending 2768 registered in the name of the applicant;

2.3 2023 model Rolls Royce (Chassis ending 6431 registered in the name of the applicant

2.4 2021 model Ferrari 812 (Chassis ending 7797) registered in the name of the applicant;

2.5 2018 model Ferrari 488GTB (chassis ending 9444) registered in the name of the applicant.

3. The release of the vehicles is subject to the following conditions:

3.1 The applicant shall put up security to the satisfaction of the Curator Bonis which security shall be the equivalent of the market value of each vehicle;

3.2 The market value of the vehicles shall be determined by an independent third party appointed by the curator bonis in order to calculate the amount of security to be put up;

3.3 In the event that the applicant wishes to sell any of the vehicles, the curator bonis must first agree to such intended sale based on factors such as purchase price, the details of the person or entity and to whom the vehicle will be sold;

3.4 The security shall remain in place and shall only be released or adjusted by an order of the Special Tribunal;

3.5 The applicant shall insure the vehicles to the satisfaction of the Curator Bonis.

4. The Special Investigation Unit shall pay the costs of this reconsideration application and the costs of one counsel on scale C.

JUDGE M VICTOR

PRESIDENT OF THE SPECIAL TRIBUNAL

Appearances:

For the Applicant: Adv Y Alli assisted by Adv. Abu Bakr Omar and Adv S Mohammed
Instructed by: Zehir Omar Attorneys

For the First Respondent: Adv. Lindi Nkosi-Thomas SC assisted by Adv Thulelo Makola
Instructed by: Verveen Attorneys

Date of hearing: 17 December 2025

Date of judgment: 30 January 2026.

Mode of delivery

This judgment is handed down by email transmission to the parties' legal representatives, uploading on Caselines and release to SAFLII and AFRICANLII. The time of delivery is deemed to be 12H00.