


REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

Case Number: 2025-162516

1. Reportable: No
2. Of interest to other judges: No
3. Revised

WRIGHT J
8 June 2026

In the matter between:

CHERNE AFRICA

Applicant

and

FIRSTRAND BANK LIMITED t/a WESTBANK

Respondent

JUDGMENT

WRIGHT J

1. The applicant bought a car and had it financed by the respondent. The applicant took possession of the car. Then she received a demand or a request that she go to the respondent's offices as they were investigating fraud allegedly committed by the applicant in buying the car. The applicant went to the respondent's offices where she signed a document surrendering the car. The agreement of purchase was cancelled and she returned the car.
2. The applicant then launched an urgent application seeking a declarator that the cancellation was invalid, seeking rectification of the surrender document, seeking a declarator that the purchase agreement remains valid and seeking an order that the vehicle be returned to her. In the alternative, she seeks compensation for the car if the respondent no longer has it.
3. A rule nisi was obtained by the applicant, apparently on an unopposed basis. The rule has been extended until 8 June 2026 on the opposed motion roll and the matter is now before me.
4. The applicant alleges coercion and misrepresentation.
5. The answering affidavit sets out the facts alleged by the respondent in some detail. The applicant allegedly arranged finance through a broker. Fraudulent employment documentation was allegedly used by the applicant and her broker to obtain finance.
6. Given the huge disputes of fact, the matter cannot be decided on paper and the rule nisi cannot stand.

ORDER

1. The notice of motion stands as a simple summons.
2. The notice to oppose stands as a notice to defend.
3. The applicant is to deliver a declaration by 30 June 2026.
4. Thereafter, the matter proceeds as a trial action.
5. Costs reserved.
6. The rule nisi is discharged.



WRIGHT J

Heard 8 June 2026

Delivered 8 June 2026

Appearances:

Applicant: Adv T Ntsele

Instructed by: SP Attorneys Inc
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Respondent Adv R Petersen

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