



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

Case No: GP05/2025

BEFORE THE HONOURABLE JUSTICE VICTOR ON 22 APRIL 2025

In the *ex parte* application by:

SPECIAL INVESTING UNIT

TRANSNET SOC LIMITED

In re the matter between:

SPECIAL INVESTIGATING UNIT

TRANSNET SOC LIMITED

and

MM REAL ESTATE (PTY) LTD

HUMPHREY TSHEPO MOYO

NEO SHOWN MATLALA

First Applicant

Second Applicant

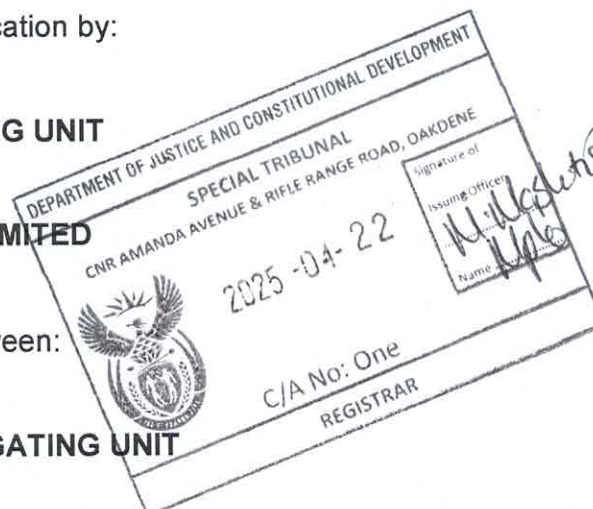
First Applicant

Second Applicant

First Respondent

Second Respondent

Third Respondent



LADYBIRD BUSINESS HIVE (PTY) LTD	Fourth Respondent
HTM (PTY) LTD	Fifth Respondent
S MABUZA	Sixth Respondent
OFFICE OF THE DEEDS REGISTRY – PRETORIA	Seventh Respondent
THE MINISTER OF FINANCE	Eighth Respondent
AVIWE NDYAMARA N.O.	Ninth Respondent

ORDER

Having read the papers filed of record and having heard counsel for the applicants, it is ordered that:

- 1 The application is heard *ex parte* in terms of section 8(2) of the Special Investigating Units and Special Tribunals Act, 1996, read together with Rules 24, alternatively Rule 28(1)(a) of the Special Tribunal Rules, and the rules and forms of service are dispensed with in accordance with such procedure as the Special Tribunal may determine.
- 2 Pending the final determination of a review application and any other relief sought by the applicants and which must be instituted within 30 court days of this order, the following orders are made:
 - 2.1 Aviwe Ndyamara of Tshwane Trusts Co. (Pty) Ltd is appointed as the

curator bonis in this matter;

- 2.2 The first, second, third and fifth respondents (including, where applicable, their directors, officers, employees and contractors) are prohibited from selling, leasing, donating, transferring title in, disposing of, or otherwise hypothecating or encumbering the motor vehicle/s listed in annexure **A**, which is/are registered in their respective names (collectively referred to as “**the restrained motor vehicles**”);
- 2.3 The first, second, third and fifth respondents are directed to forthwith transfer possession and control of the restrained motor vehicle/s, which is/are registered in their names, to the *curator bonis*.
- 2.4 The *curator bonis* is directed to:
- 2.4.1 take the restrained motor vehicles into his/her custody and control;
- 2.4.2 preserve the restrained motor vehicles; and
- 2.4.3 keep the restrained vehicles and the restrained properties in good standing *inter alia* with the service centre(s), security and/or insurance provider(s) and licensing authority/ies.
- 2.5 The seventh respondent is ordered to endorse the title deeds of each of the immovable properties listed in annexures B and C to the effect that no transfer, hypothecation or encumbrance thereof may take

place until the finalisation of all litigation referred to in this order.

2.6 The *curator bonis* is authorized forthwith to:

- 2.6.1 assume control of the immovable properties that are listed in annexures B and C respectively (“**the immovable properties**”) and to take such immovable properties into his/her care subject to the rights of the current occupants;
- 2.6.2 take care of the immovable properties;
- 2.6.3 administer the immovable properties;
- 2.6.4 collect any rentals which are due in relation to the immovable properties and invest such in a trust account pending the final determination of the litigation referred to herein;
- 2.6.5 to pay any fees due to the local municipality/ies and any homeowners association or other association that are payable in relation to the immovable properties;
- 2.6.6 deal with the immovable properties subject to the rights of occupation of the current occupants;
- 2.6.7 access the immovable properties for the purposes of carrying out the acts; and

- 2.6.8 do any necessary acts for the purposes of preserving the immoveable properties;
- 2.6.9 institute an application in the High Court (in terms of section 83(4) of the Companies Act) for the dissolution of S Mabuza Properties (Pty) Ltd ("**S Mabuza Properties**") to be voided in relation to the restrained properties.
- 2.7 The first, second, third, fourth, fifth and sixth respondents are prohibited from dealing with the restrained motor vehicles and/or the immovable properties (except as provided for in this order) save with the prior written consent of the applicants, which consent may not be unreasonably withheld;
- 2.8 The powers of the *curator bonis* will continue, subject to the provisions of this order, pending the final determination of:
- 2.8.1 an application to the High Court (in terms of section 83(4) of the Companies Act) for the dissolution of S Mabuza Properties to be voided in relation to the restrained properties; and
- 2.8.2 the review application and any other litigation in this Tribunal in relation to the restrained motor vehicles and the immovable properties.
- 2.9 If S Mabuza Properties is reinstated on the CIPC register of companies (under section 82(4) of the Companies Act 71 of 2008 (Companies Act))

and/or if its dissolution is voided (under 83(4) of the Companies Act), then S Mabuza Properties (including its directors, officers, employees and contractors) is prohibited from selling, leasing, donating, transferring title in, disposing of, or otherwise hypothecating or encumbering the property.

2.10 The powers of the *curator bonis* may be amended, supplemented and/or terminated on application to the Special Tribunal by the applicants or any interested party.

2.11 The fees and costs of the *curator bonis*, occasioned by and incurred in the implementation of this order, in relation to:

2.11.1 the restrained motor vehicles shall be paid by the respondent in whose name such motor vehicle is registered;

2.11.2 the immovable properties that are listed in annexure B, shall be paid by the sixth respondent until such time as the dissolution of S Mabuza Properties is voided (under section 83(4) of the Companies Act) and/or S Mabuza Properties is reregistered on the CIPC's register of companies (under section 82(4) of the Companies Act), whereafter same shall be paid by S Mabuza Properties; and

2.11.3 the immovable properties that are listed in annexure C, shall be paid by the fourth respondent.

- 2.12 The *curator bonis* will be liable for any damages caused by him/her as a result of acting beyond his/her powers or unreasonably in executing his/her duties in terms of this order and the applicants will be responsible for ensuring that any damages suffered as a result of the *curator bonis* not having put up security for compliance with his/her duties of this order, will be mitigated.
- 3 The respondents may, on one week's notice to the applicants, set the matter down for reconsideration of the orders granted herein.
- 4 The costs of this application shall be costs in the cause.



A handwritten signature in black ink, appearing to be 'M. Victor', is written to the right of the official stamp.

JUDGE M. VICTOR
PRESIDENT OF THE SPECIAL TRIBUNAL

For the applicants:
Mkhabela Huntley Attorneys.
Adv N Lewis.
Date: 22 April 2025

ANNEXURE A

LIST OF RESTRAINED MOTOR VEHICLES

1 In respect of the first respondent –

1.1 the Porsche 718 Boxter (chassis number WPOZZZ98ZJS221497)
(**Porsche Boxter**);

1.2 the Mercedes-Benz V250d Avantgarde 3.2 T (chassis number
WDF44781323594356) (**MB V250-4**);

1.3 the VW Amarok (chassis number WV1ZZZ2HZNA015910) (**VW Amarok**
1); and

1.4 the Toyota Hilux (chassis number AHTJB8DDX0475849) (**Toyota Hilux**).

2 In respect of the second respondent the Volkswagen Amarok (chassis number
WV1ZZZ2HZFAO45570) (**VW Amarok 2**):

3 In respect of the third respondent the Porsche Macan S Diesel (chassis number
WP1ZZZ95ZHLB35577) (**Porsche Macan**):

4 In respect of the fifth respondent the Mercedes-Benz C200 (chassis number
WDD2040482R287902) (**MB C200**).

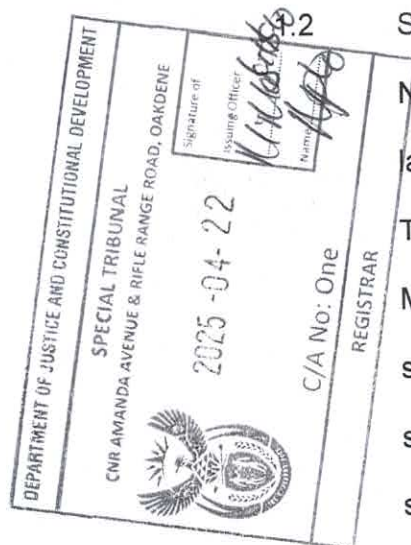


ANNEXURE B

LIST OF RESTRAINED IMMOVABLE PROPERTIES

1 In respect of the sixth respondent and S Mabuza Properties (Pty) Ltd:

1.1 Erf 210 Broadacres Extension 11 Township Registration Division J.R. Province of Gauteng measuring 419 (four hundred and nineteen) square metres, first transferred by deed of transfer number T67824/2005 with General Plan SG No. 10371/2004 relating thereto and held by Deed of Transfer Number T6514/2014 (**Erf 210 Broadacres**).



1.2 Section No 186 as shown and more fully described on Sectional Plan No SS 603/2010 in the scheme known as Kalgaro in respect of the land and building or buildings situated at Fourways Extension 54 Township, Local Authority, City of Johannesburg Metropolitan Municipality, of which section the floor area, according to the said sectional plan is 72 (seventy two) metres in extent and an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan (**Unit 186 Kalgaro**).

1.3 Section No 47 as shown and more fully described on Sectional Plan No SS 281/2009 in the scheme known as Kalgaro in respect of the land and building or buildings situated at Fourways, Extension 54, Township, Local Authority: City of Johannesburg Metropolitan

Municipality, of which section the floor area, according to the said sectional plan is 67 (sixty-seven) square meters in extent and an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan (**Unit 47 Kalgaro**).

- 1.4 Section number 5 as shown and more fully described as Sectional Plan No SS 380/2014 in the scheme known as Hawthorn Gate 2429 in respect of land and building or buildings situated at Erf 2429 Fourways Extension 24 Township: Local Authority: City of Johannesburg Metropolitan Municipality, of which section the floor area, according to the said sectional plan is 174 (one-hundred and seventy-four) square metres in extent and an undivided share in the common property in the scheme apportioned to said section in accordance with the participation quota as endorsed on the said sectional plan, held by deed of transfer number ST 47259/2015 (**Unit 5 Hawthorn Gate**).

- 1.5 Section number 12 as shown and more fully described as Sectional Plan No SS 964/2014 in the scheme known as the Point in respect of land and building or buildings situated at Bryanston Extension 7: Local Authority: City of Johannesburg Metropolitan Municipality, of which section the floor area, according to the said sectional plan is 134 (one-hundred and thirty-four) square metres in extent and an undivided share in the common property in the scheme apportioned to said section in accordance with the participation quota as endorsed on the said sectional plan, held by deed of transfer number

ANNEXURE C

LIST OF RESTRAINED IMMOVABLE PROPERTIES

1 In respect of the fourth respondent:

1.1 Section Number 1 as shown and more fully described on Sectional Plan Number SS1132/1995 in the scheme known as Proliba in respect of the land and building or buildings situated at Portion 17 of Erf 3 Vanderbijl Park Township, Local Authority: Emfuleni Local Municipality (**Unit 1 Proliba**).

1.2 Section Number 2 as shown and more fully described on Sectional Plan Number SS1132/1995 in the scheme known as Proliba in respect of the land and building or buildings situated at Portion 17 of Erf 3 Vanderbijl Park Township, Local Authority: Emfuleni Local Municipality (**Unit 2 Proliba**).

1.3 Section Number 3 as shown and more fully described on Sectional Plan Number SS1132/1995 in the scheme known as Proliba in respect of the land and building or buildings situated at Portion 17 of Erf 3 Vanderbijl Park Township, Local Authority: Emfuleni Local Municipality (**Unit 3 Proliba**).

1.4 Section Number 4 as shown and more fully described on Sectional Plan Number SS1132/1995 in the scheme known as Proliba in respect of the land and building or buildings situated at Portion 17 of Erf 3 Vanderbijl Park Township, Local Authority: Emfuleni Local

Municipality (**Unit 4 Proliba**).