**Introduction**

The Rei Vindicatio and the Condictio Furtuva are both actions to recover lost possession of a thing. Although these actions ostensibly do the same thing, there are differences between them. Following I will explore both actions. I will look at what the definition of the actions, what there requirements are and the differences between the two

**Definition**

**Condictio Furtuva:** This is a delictual action which is used by a plaintiff that has their petromanial thing removed from their possession through theft. this action is availible to the owner of the thing or anyone with an interest in the stolen thing. This action can be brought against the thief and their heirs.[[1]](#footnote-1)

This action can be used even in the absence of fualt from the defendant, this was decided in Crots v Pretorius (2010 (6) SA 512 (SCA): *The defendant bought heifers (cows) from a third party, during the sale he flouted the requirements if the provisions of the Stock Theft Act 57 of 1959 which he was familier with given he was a stock speculator for 7 years. The defendant agreed to buy the heifers provided he could pay the third party an amount that the heifers would make upon sluaghter. The Stock Theft Act has provisions that the defendant which the defendant floated and admitted to knowing. The defendant however claims to he had no direct knowledge of the theft [[2]](#footnote-2)*

The court found that dolus eventualis setisfies the requirements for theft unlike the court aquo the court investigated the defendents actions against these.[[3]](#footnote-3) The court found that

1. Crots v Pretorius (2010 (6) SA 512 (SCA) (herein refered to as “Crots”) 513. [↑](#footnote-ref-1)
2. Crots 4, 6, 7. [↑](#footnote-ref-2)
3. Crots 8 [↑](#footnote-ref-3)