

SOUTH AFRICA / JUDGMENT

G.N.N obo N.H.N v Road Accident Fund (2455/2022) [2025] ZAMPMBHC 60 (2 July 2025) [2025] ZAMPMBHC 60

COURT

Mbombela High Court, Mpumalanga

BEFORE

Moleleki

CASE / FILE NUMBER

2455/2022

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IN

THE HIGH COURT OF SOUTH AFRICA

MPUMALANGA DIVISION,

MBOMBELA

CASE NO: 2455/2022

(1)

REPORTABLE: NO

(2)

OF INTEREST TO OTHER JUDGES: NO

(3)

REVISED YES/NO

DATE 02 July 2025

SIGNATURE

In

the matter between: G[...]
N[...] N[...] obo N H N
PLAINTIFF
and
ROAD
ACCIDENT FUND
DEFENDANT

Delivered: This
judgment was handed down electronically by circulation to the
parties' legal representatives by email. The date and time
for
hand-down is deemed to be 10:00 on 02 Jul 2025.

JUDGMENT

Moleleki AJ

[1] The plaintiff instituted an action for damages against the defendant in her representative capacity as the mother and natural guardian of her minor child. The minor child sustained injuries in a motor vehicle accident that occurred on 6 August 2019 along Green Valley to Klaserie Road, Mpumalanga Province. He was a pedestrian at the time of the accident when a motor vehicle with unknown numbers collided with him. At the time of the accident, the minor child was 5 years old and in grade R.

[2] As a result of the accident, the minor was admitted to Tintswalo Hospital for treatment of the injuries. He was diagnosed as having suffered the following injuries: a mild traumatic brain injury.

[3] The following was agreed upon:

3.1 The defendant is liable for 100% of the plaintiff's agreed or proven damages.

3.2 The defendant furnished an undertaking for the minor child's future medical expenses in terms of section 17(4)(a) of the Road Accident Fund Act 56 of 1996.

3.3 The issue of general damages was rejected and was to be referred to the HPCSA for adjudication. It would therefore be postponed sine die.

3.4 The plaintiff's expert reports are to be admitted into evidence by way of affidavit.

[4] Various experts appointed by the plaintiff in support of her claim included a Neurologist, a Clinical Psychologist, an Educational Psychologist, an Occupational Therapist, an Industrial Psychologist, and actuaries. The defendant did not appoint expert witnesses, nor did it call any witnesses to testify on its behalf.

[5] The only dispute between the parties that still requires determination is the issue of future loss of earnings.

- [6] Doctor Mfundo Felix Mkhonza, the Neurosurgeon, indicated that the minor child sustained a mild traumatic brain injury which led to persistent post-concussive symptoms. The symptoms include chronic headaches, cognitive impairments and notable changes in personality. All these were found to have significantly diminished his quality of life. The minor has reached maximum medical improvement. Therefore, no meaningful recovery is expected in terms of physical health. However, ongoing management remains essential. Referral to a Clinical Psychologist for psychotherapy is recommended to address cognitive and emotional sequelae of the injury.
- [7] Doctor Mantwa Modiba, the Clinical Psychologist, stated that the minor child presents with neurocognitive and psychological impairments. Neurocognitive deficits involve moderate verbal short-term and working memory deficits; moderate attention deficits; mild impairment in cognitive processing speed; and a decline in intellectual functioning, which was assessed in the low-average range. Regarding behavioural and psychological symptoms, he presents with mild withdrawal behaviour and mild anxiety, indicative of psychological dysfunction, with symptoms most likely post-concussive in nature. The acquired neurocognitive deficits, psychological dysfunction and behavioural changes are likely to interfere with the minor's day-to-day general functioning, including academic performance and social interactions. Furthermore, chronic pain in the form of post-concussive headache is expected to contribute to a reduced quality of life. There are certain therapeutic interventions recommended to assist in managing the post-concussive symptoms, namely, short-term psychotherapy sessions with a registered Clinical Psychologist and follow-up care, as well as maintenance sessions annually for ongoing symptom management.
- [8] The Educational Psychologist, E.D Monyela, assessed the minor child in order to determine his intellectual and cognitive functioning, emotional status and academic potential. The plaintiff informed the Educational Psychologist that following the accident, the minor child was admitted to hospital on 6 August 2019 and discharged on 10 August 2019. The hospital records show that the minor child sustained a head injury, scalp laceration, upper-lip laceration, and loss of teeth. He is the second-born child in a family of three children. His birth was not marked by any complications, and he reached normal developmental milestones until the accident. Before the accident, he was healthy and had never been hospitalised. He had never been involved in any previous motor vehicle accident. It is common cause that his life expectancy is unaffected.
- [9] An average pre-morbid intellectual functioning is assumed and that he would probably have passed grade 12 with a diploma (NQF Level 6). It was further assumed that he would have had a fair chance to compete in an open labour market.
- [10] Post-accident, the minor child failed grade R, that is, in the year of the accident. He passed grade R in 2020, passed grade 1 in 2021, passed grade 2 in 2022 with a final year report showing that his highest score was 76% in both Mathematics and Life Skills, 69% in Xitsonga (home language) and 53% in English, which is a first additional language. His average pass for grade 2 was 68%. In 2023, the grade 3 final year report showed that he obtained 65% in

Xitsonga home language, 60% in Life Skills, 56% in English first additional language, and 52% in Mathematics. He passed grade 3 with an average of 58%.

- [11] At the time of his assessment by the Educational Psychologist in April 2023, the minor child was in grade
4. The results of the intelligence test (ISZP) showed that the minor remained within the average range of intellectual functioning. The intelligence test showed that he would benefit from mainstream education.
- [12] The Occupational Therapist assessed the minor in order to ascertain his functional abilities and limitations as a result of the injuries sustained in the accident, as well as the impact it has on his participation in daily living activities, for example, playing, school and future work. When evaluating his physical ability, the Occupational Therapist stated that there were no signs of disability noted at first glance and the minor was able to transfer himself between different positions with no limitations.

He presented with normal functioning of the neck and back. No accident-related limitations were noted in respect of the upper limbs, lower limbs, and he demonstrated adequate sitting ability and tolerance. He was seated for about 45 minutes during the interview

with no reported pain. He was able to perform all mobility/agility skills, including, balancing on the right and left leg, walking

backwards and forwards, walking on heels and toes, kneeling, crawling, squatting, crouching, stooping, and climbing stairs.

- [13] He interacts well with his peers. The plaintiff reported that the minor experiences headaches and has become forgetful. The cognitive limitations are expected to have a negative effect on his academic performance. He will, however, benefit from a multidisciplinary team treatment.
- [14] With regards to future occupational performance, it will be linked to the level of education he manages to achieve. However, from a physical point of view, he should be able to perform work within the sedentary, light and occasional medium work. Should the reported headaches persist, they will have a negative effect on his ability to perform constant medium, heavy and very heavy work, as well as outdoor occupations. The Occupational Therapist stated that the minor has been rendered a vulnerable and unequal competitor in the open labour market when compared to his uninjured peers.
- [15] Dr Baloyi, the Industrial Psychologist, indicated that considering the post-accident scenario outlined by the Educational Psychologist that the minor is going to progress to NQF Level 6 scholastically, before entering the open labour market. The following likely career path will suit his profile: he will enter the labour market at Paterson B2 level earning, advancing to maximum earnings level Paterson C1/C2 at the age of approximately 45 years. He will then receive annual increases until retirement. He will be able to work until retirement age of

60-65 years, depending on a variety of factors such as, his health status, personal circumstances, conditions of employment, etc.

[16] The Industrial Psychologist went further to state that his cognitive and psychological limitations place him at a disadvantage with regard to long-term prospects for higher levels of training and subsequent employment. He will no longer attain his pre-accident postulated qualification but lesser. This would be expected to impact his level of entry into the open labour market, his career progression and his earning capacity. He is rendered an unfair competitor with his peers even before he enters the open labour market. The Industrial Psychologist is of the opinion that his employability and earning capacity have been significantly impacted

as a result of the injuries he sustained in the accident. He therefore suffers loss of income.

[17] The defendant in its heads of arguments specifically disputes that the minor has been incapacitated to the extent that he would not be able to attain his pre-morbid desire of becoming an educator. The defendant further contended that the plaintiff relied on speculation regarding the minor child's educational progress as he was only 5 years old and in grade R at the time of the accident. Further, the head injury suffered by the minor was not severe due to the fact that the MRI Scan of the brain appears

to be normal. It is the defendant's submission that, due to the fact that the minor remains in a mainstream school and is

progressing, he still has the potential to reach an NQF Level 5 qualification and can study at a college. The defendant contended, in conclusion, that the court should apply the normal general contingency of 25% pre-accident and 35% post-accident.

[18] The defendant furnished the following calculation based on its aforementioned premise:

Income had the accident not occurred:

R7 596 870.00

Less contingency (25%)

R1 899 217.50

R5 697 652.50

Income having regard to accident:

R7 596 870.00

Less contingency (35%):

R2 658 904.50

R4 937 965.50

Total Net Loss

R759 696.00

[19] The plaintiff claims a net future loss of R1 998 472 calculated as follows:

19.1 In the pre-accident scenario, the earnings are calculated at R7 596 870. A contingency of 20% is deducted from that amount, resulting in a pre-morbid postulation after contingency of R 6 077 496.

19.2 In the post-accident scenario, the earnings are calculated at 6 275 421. A contingency of 35% is deducted from that amount, resulting in a post-accident postulation after contingency of R4 079 024.

19.3 The difference in the loss before contingencies is R1 321 449, and the loss after the contingencies is R1 998 472.

Applicable Law

[20] It is trite that the plaintiff must prove the extent of her loss and damages on a balance of probabilities. Regarding loss of earnings/earning capacity, the plaintiff is required to provide and prove a factual basis that allows for an actuarial calculation, which the court would use as the basis to determine the plaintiff's loss.

[21] The basic principle applicable is that a person who suffers patrimonial loss consequent to the negligence of another is entitled to be compensated to the extent of the loss. In dealing with the difficulty which concerns the calculation of the quantum of damages, the courts adopted a two-pronged approach: (a) relying on the actuarial calculations if same had been provided, and

(b) exercising its discretion in determining a just and reasonable award. The court may take the actuarial calculations into account when exercising its discretion.

[22] The opinion of the Educational Psychologist regarding the minor's scholastic potential suggests that his academic performance is likely to decline as academic demands increase, particularly in areas requiring abstract reasoning, critical thinking and independent work, unless he receives continued support. His scholastic assessment indicated below average performance in English reading, spelling, and Mathematics. However, this is attributed to gaps in foundational knowledge. As a result, he requires additional learning support.

[23] The review of his school reports does not necessarily indicate that he presents with serious learning difficulties, save for his poor performance in English and Mathematics. As stated, this is attributed to gaps in foundational knowledge and not to the accident and its sequelae.

[24] The Industrial Psychologists integrated the findings and opinions of the various experts and provided an opinion in relation to the minor child's pre- and post-morbid income earning potential. Although the minor had indicated that he has a desire to become an educator, his career choice remains uncertain as he is still young. It is postulated that he would most likely obtain

an NQF Level 5 qualification. This is equivalent to a Higher Certificate.

[25] In *Road Accident Fund v Guedes*,^[1] the court stated that:

"It is trite that a person is entitled to be compensated to the extent that the person's patrimony has been diminished in consequence

of another's negligence. ... The calculation of the quantum of a future amount, such as loss of earning capacity, is not, as I have already indicated, a matter of exact mathematical calculation.

By its nature such an enquiry is speculative and a court can therefore only make an estimate of the present value of the loss that

is often a very rough estimate (see, for example, Southern Insurance Association Ltd v Bailey NO). The court necessarily exercises a wide discretion when it assesses the quantum of damages due to loss of earning capacity and has a large discretion to award what it considers right."

[26] It is trite that contingency deductions are applied irrespective of whether an actuarial method is applied or a lump sum is awarded. This court is cognisant of the fact that a physical disability which impacts on the capacity to earn an income does not, on its own, reduce the patrimony of an injured person. There must be proof that the reduction in the income earning capacity will result in actual loss of income.^[2]

[27] Stratford J in *Hersman v Shapiro and Co*^[3] stated:

"Monetary damage having been suffered, it is necessary for the Court to assess the amount and make the best use it can of the evidence before it. There are cases where the assessment by the Court is very little more than an estimate; but even so, if it is certain that pecuniary damage has been suffered, the Court is bound to award damages".

[28] As a general rule, according to Koch, a sliding scale of 0.5% per year, over which the applicable income must be calculated, must be applied. For instance, 25% for a child, 20% for a youth, and 10% in middle age.^[4]

[29] Contingency deductions allow for the possibility that the minor may have less than "normal" expectations of life and that she may experience periods of unemployment by reason of incapacity due to illness, accident, labour unrest, or general economic conditions.^[5]

- [30] According to the Neurosurgeon, although classified as mild, the injury has led to persistent post-concussive symptoms which have diminished his quality of life. According to the Clinical Psychologist, the neurocognitive, psychological and behavioural impairments negatively impacted his day-to-day general functioning, including academic performance and social interactions. However, the Occupational Therapist noted that he interacts well with his peers
- [31] There is no doubt that, although the minor child did not experience learning difficulties post-accident, he will not reach his pre-accident potential. His post-accident employment prospects are not the same, though there is room for improvement. Accordingly, it is concluded that he has suffered a loss of future income/earning capacity as a result of the accident.
- [32] What remains to be determined is the percentage of contingency deduction to be applied. The plaintiff relies on the actuarial calculations. The actuaries stated that an allowance should be made for unforeseen contingencies, which is based on such factors as, illness, other accidents, early retirement, estimation errors of future earning potential, early death and other factors unrelated to the minor's current injuries.
- [33] The plaintiff and defendant applied different approaches to the quantification of the loss of earnings. The plaintiff contended for the application of an actuarial based approach. The defendant used the same income pre- and post-morbid and applied a 25% contingency deduction pre-morbid and 30% post-morbid. The actuarial calculations relied upon by the plaintiff are based on postulations by the Educational and Industrial Psychologists.
- [34] In determining the quantum of the minor's loss of earnings, some reliance is placed on the figures used by the actuaries. However, this court is not bound by the actuarial calculations and the contingencies applied, as well as those suggested by the parties. The court has a wide discretion to make an allowance for contingencies and to award what it considers to be fair and adequate compensation, based on the facts and circumstances of the case. In deciding the appropriate contingency, the court considered the minor child's young age. At the time of the accident, he was only five years old, doing grade R and still in his developmental phase. He had just started schooling when the accident occurred. He failed grade R in the year of the accident. Post-accident, he has not repeated a grade. The results of the intelligence test (ISZP) showed that the minor remained within the average range of intellectual functioning.
- [35] His future occupational performance will be linked to the level of education he manages to achieve. There were no signs of disability noted. Although his cognitive limitations are expected to have a negative effect on his academic performance, he will benefit from multidisciplinary team treatment. There is, therefore, some improvement anticipated in respect of his current cognitive profile. It can, therefore, not be completely excluded that he may reach his full pre-accident learning potential.

- [36] The minor child's background and family history have been considered. The educational background of the father is grade 10, and he is unemployed. The mother has no formal education, and she is also unemployed. The minor child performs at an average range in mainstream school post-accident, which was the case pre-morbid. His below average performance in English reading and spelling, as well as in Mathematics, is attributed to gaps in foundational knowledge, which may improve with additional learning support. Pre-accident and post-accident life expectancy remains unchanged. I take account of the fact that the minor child has not been rendered completely incapacitated.
- [37] In addition, the vicissitudes of life such as illness, other accidents, and early retirement, have been considered. The prospects of unemployment due to economic conditions or injury; the availability of learning support, which may play a crucial role in enhancing his overall academic performance; and even the possibility that he could have experienced an earnings progression beyond that assumed, had the accident not occurred, have also been considered.
- [38] This court is alive to the view expressed in *Hulley v Cox*,^[6] which states that: "We cannot allow our sympathy for the claimants in this very distressing case to influence our judgment."
- [39] Having considered all the aforementioned factors, consequently, I have applied a 30% contingency deduction to the pre-morbid earnings and a 15% contingency deduction for post-morbid earnings. I am satisfied that the contingency deductions in respect of both pre-morbid and post-morbid income would be just and fair.
- [40] With regards to the protection of the damages award, the plaintiff uploaded a draft order containing proposed provisions for a protective trust rather than appointing a curator bonis. It is trite that in matters against the RAF, it may be necessary for the plaintiff to adduce evidence regarding the remuneration of the curator bonis or trustee. The court must be provided with sufficient evidence to endorse the remuneration structure that is appropriate in each
- case.^[7] *Van der Schyff J in Sandenbergh and Another v Master of the High Court and Another*^[8] dealt with the complexities of protective trusts that were said to be a monumental task.
- [41] No submissions were made by the plaintiff and the defendant for the appointment of a curator ad litem/ bonis or the creation of a trust, save that the court was furnished with a draft court order incorporating the creation of a trust. The objects of safeguarding the award would not be achieved if the plaintiff was entrusted with the administration of the award. That would, instead expose the damages award to the risk of being whistled away, thus leaving the minor without the full benefit of the award. Of significance is that court orders should not be ambiguous so as to cause confusion. Protective trusts are tenable in law as protective mechanisms, the purpose of which is to protect the damages awards to ensure that the award remains available as an ongoing source of financial support for the remainder of the claimant's lifetime.

[42] The proposed terms of the protective trust as contained in the draft order seem to be solid. They possess sufficient clarity and are not open to more than one interpretation. I am of the view that the award would be better protected in the protective trust. However, there is a proposed provision to the effect that an amount of R100 000 (One Hundred Thousand Rand) shall be paid to the parents of the minor child. Since I was only furnished with the draft order, I have not been furnished with sufficient information to enable me to make an informed decision regarding the immediate payment of the said amount. There is, therefore, no indication that the money will be for the exclusive needs of the minor. It is my duty to ensure that the award remains available as an ongoing source of financial support for the remainder of the minor's lifetime.

[43] The objects of a protective trust would not be achieved if the parents were entrusted with the administration of the award. Amongst the reasons considered are, the possibility of a lack of knowledge or proficiency to administer such a large sum of money, the non-separation of the award and personal funds, creditors' access to the award and a lack of supervision. Consequently, the

proposed provision will be deleted in its entirety.

[44] The quantum for future loss of income and earning capacity is computed as follows:

Future loss of income uninjured R7 596 870.00

Less 30%

R5 317 809.00

R2 279 061.00

Future loss of income injured R6 275 421.00

Less 15%

R5 334 107.85

R941 313.15

Total Net Loss:

R1 337 747.85

Costs

[45] There is no reason to deviate from the general principle that costs follow the result.

[46] In the result, I make the following order:

The draft order marked "X" is made an order of Court.

M R MOLELEKI

ACTING JUDGE OF THE HIGH COURT

Appearances

For the Plaintiff: Mr P Tshavhungwe Instructed by: Ngomana & Associates Attorneys Mbombela
Centre Building 2nd Floor, Office 24A 25 Samora Machel Drive Mbombela For the Defendant: Ms
T B Malope Instructed by: 3rd Floor, Admin Block, West Wing R104 Samora Machel Drive
Mbombela

Judgment

delivered on: 2 July 2025

IN THE HIGH COURT OF SOUTH AFRICA

MPUMALANGA DIVISION, MBOMBELA [MAIN SEAT]

CASE NO: 2455/22

ON THE 2ND OF JULY 2025

BEFORE THE HONOURABLE JUSTICE MOLELEKI (AJ)

G[...] N[...] N[...] OBO

N[...] H[...] N[...]

Plaintiff

ROAD ACCIDENT FUND

Defendant

This Order is made an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties/their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or their secretary. The date of this Order is deemed to be 2 July 2025.

ORDER

HAVING HEARD COUNSEL AND READ THE PAPERS, THE FOLLOWING ORDER IS MADE:

1. The Application in terms of Uniform Rules of Court 38(2) is granted.
2. The Defendant shall pay 100% of the Plaintiff's proven or agreed damages.
3. The defendant shall pay the plaintiff the amount of R1 337 748 (One Million, Three Hundred and Thirty-Seven Thousand, Seven Hundred and Forty-Eight Rands) in respect of the minor's claim for Loss of future earnings.

4. The defendant shall furnish the plaintiff with an undertaking in terms of section 17(4)(a) of the Road Accident Fund Act 56 of 1996 for payment of 100% of the costs of future accommodation of the plaintiff in a hospital or nursing home or treatment of or rendering of a service or supplying of goods to the plaintiff, resulting from the motor vehicle accident on 6 August 2019. The defendant is to compensate the plaintiff in respect of the said costs after the costs have been incurred and upon proof thereof.
5. The plaintiff's attorneys of record shall retain the aforesaid amount, net of the attorney's costs, in an interest-bearing

account in terms of section 86(4) of the Legal Practice Act 28 of 2014 for the benefit of the plaintiff, pending the creation of the trust referred to in paragraph 8 below ("the trust"), and the issuing of letters of authority.

6. The plaintiff's attorneys shall endeavour to establish the trust within 6 months, alternatively within a reasonable period of time after being placed in a position to do so.
7. The plaintiff's attorney of record shall pay the amount set out in paragraph 3 above, together with any accrued interest, over to the trustees of the trust, in respect of which trust the following shall apply:

7.1. The trust shall be established in accordance with the provisions of the Trust Property Control Act 57 of 1988, in favour of the plaintiff's minor child as sole beneficiary.

7.2. In the event of the second trustee passing away, the surviving parent will replace the deceased parent as the second trustee.

7.3. In the event of both parents passing away, then the guardian for the minor child will replace the deceased parents as the second trustee.

7.4. Only the independent professional trustee administering the trust funds on behalf of the beneficiary will be obliged to render security to the satisfaction of the Master of the High Court.

7.5. The professional independent trustee shall:

7.5.1. Be entitled, in the execution of its duties and fiduciary responsibilities towards the beneficiary of the trust, to have the attorney and own client costs and disbursements of the plaintiff's attorneys on record taxed, unless agreed;

7.5.2. Be entitled to administer on behalf of the minor child, the undertaking referred to in paragraph 5 above and to recover the costs covered by such undertaking on behalf of the trust for the benefit of the trust; and

7.5.3. At all times administer the trust to the benefit of the minor child.

7.6. The trust shall not be capable of being amended without leave of the court.

7.7. The trust shall terminate by order of court, or upon the death of the beneficiary, in which event the trust property shall pass to the estate of the beneficiary, or if all the assets of the trust have been depleted, whichever occurs earlier.

7.8. The trustees are authorised to recover from the Road Accident Fund for the benefit of the trust, all costs incurred by them which are payable by the Road Accident Fund including the costs of the creation of the trust and the costs of furnishing security.

7.9. The costs and charges relating to the administration of the trust fund, and the costs and charges incidental to the formation thereof, shall be borne by the trust out of the capital and/or income as the independent professional trustee may deem appropriate.

8. The defendant shall pay the plaintiff's agreed or taxed High Court costs as between party and party, subject to the discretion of the taxing master, such costs to include, but not be limited to the following:

8.1. The costs in respect of the preparation and compilation of the expert reports;

8.2. The plaintiff's reasonable travel and accommodation costs to attend to the experts and trial; and

8.3. The costs in respect of the employment of Counsel on Scale B;

9. All past reserved costs, if any, are hereby declared costs in the cause and the plaintiff as well as subpoenaed witnesses are declared necessary witnesses.

10. The plaintiff shall, in the event that the costs are not being agreed upon, serve a notice of taxation on the defendant's attorney of record.

11. The plaintiff shall allow the defendant 14 days to make payment of the taxed costs after service of the taxed bill of costs; provided that interest on the taxed costs shall be payable by the defendant within 14 days from service of the taxed bill of costs at the rate applicable on the day of taxation, or the day on which agreement is reached.

12. This order must be served by the plaintiff's attorneys on the Master of the High Court within 30 days from the date of receipt of this order from the registrar in typed form.

13. The capital and/or taxed or agreed costs, as referred to above, shall be paid into the trust account of the Plaintiff's attorneys of record.

14. The remainder of the quantum is postponed sine die.

By Order of the Court

REGISTRAR

For the Plaintiff: Adv. Tshavhungwe P Phattsha@gmail.com 061 139 8763 For the Defendant: Ms TB Malope Tebogom1@raf.co.za 065 833 4625

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- [1] Road Accident Fund v Guedes 2006 (5) SA 583 (SCA) para 8.
- [2] Road Accident Fund v Kerridge 2019
- (2) SA 233 (SCA) para 25 with reference to Rudman v Road Accident Fund 2003 (2) SA 234 (SCA) para 11.
- [3] Hersman v Shapiro and Co 1926 TPD 367 at 379.
- [4] Koch The Quantum Yearbook (Van Zyl, Rudd & Associates) 2009 at p 100.
- [5] Van der Plaats v South African Mutual Fire & General Insurance Co Ltd 1980 (3) SA 105 (A) at 114-115.
- [6] Hulley v Cox 1923 AD 234 at 246.
- [7] In re: Protection of Certain Personal Injury Awards (Pretoria Society of Advocates and Others, amici curiae) 2022 (6) SA 446 (GP) para 86.
- [8] Sandenbergh and Another v Master of the High Court and Another
- [2024] ZAGPPHC 436.
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