

SOUTH AFRICA / JUDGMENT

Mguzula v Road Accident Fund (RAF372/2018) [2021] ZANWHC 21 (16 August 2021)

[2021] ZANWHC 21

COURT

North West High Court, Mafikeng

BEFORE

MM Leeuw

CASE / FILE NUMBER

RAF372/2018

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Source record

IN

THE HIGH COURT OF SOUTH AFRICA

NORTH

WEST DIVISION, MAHIKENG

CASE

NO: RAF 372/2018

Reportable:

YES/ NO

Circulate

to Judges: YES/NO

Circulate

to Magistrates: YES/NO

Circulate

to Regional Magistrates:

YES/ NO

In

the matter between:

MGUZULA

NOKUTHULA

RUTH

Plaintiff

and

ROAD

ACCIDENT

FUND

Defendant

JUDGMENT

LEEUEW JP:

Introduction

- [1] This is an application for leave to appeal my judgement and order handed down on the 26th day of JUNE 2020. The orders granted related to a special plea on prescription of the claim launched by the plaintiff against the Road Accident Fund (RAF).
- [2] The Plaintiff's counsel argued that the prescription of the claim was interrupted by the admission of liability by the RAF.
- [3] Having dealt with the law relating to this issue, on, I granted an order that the claim has prescribed in favour of the RAF. I placed reliance on *RAF v Mothupi* 2000 (4) SA 38 (SCA) in order to establish whether the RAF did acknowledge liability.
- [4] This is a legal issue that may be interpreted differently by another court. I accordingly find that there are reasonable prospects of success on appeal.
- [5] I accordingly make the following order:
1. Application for Leave to Appeal to the Full Bench of this Division is granted.
 2. Costs will be costs in the appeal.

MM LEEU

JUDGE PRESIDENT OF THE HIGH COURT

NORTH WEST DIVISION

Appearances:

Date of Hearing

Leave to Appeal

: 13 August 2021

Judgment

Handed Down on :

16 August 2021(electronically)

Counsel for the Applicant :

Advocate E Moukangwe

Instructed by

: Mokhetle Inc.

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ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZANWHC/2021/21.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/mguzula-v-road-unknown-topic-anwhc-2021>

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