

SOUTH AFRICA / JUDGMENT

Pheeha v Road Accident Fund (10431/15) [2017] ZAGPPHC 709 (2 November 2017)

[2017] ZAGPPHC 709

COURT

North Gauteng High Court, Pretoria

BEFORE

G C Wright

CASE / FILE NUMBER

10431/15

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REPUBLIC

OF SOUTH AFRICA

IN

THE HIGH COURT OF SOUTH AFRICA

GAUTENG

DIVISION, PRETORIA

CASE

NO: 10431/15

DATE:

02.11.2017

In

the matter between:

JETRO

MOHLABENG

PHEEHA

PLAINTIFF

and

ROAD

ACCIDENT

FUND

DEFENDANT

JUDGMENT

WRIGHT J

- [1] It is common cause that the plaintiff was injured in a motor vehicle accident. The plaintiff was driving a vehicle. By agreement the only issue before me is whether or not the plaintiff can prove negligence on the part of the driver of the other vehicle.
- [2] The following facts are common cause. The plaintiff was driving his vehicle in the left hand lane of a two lane road. A truck overtook him on his right hand side. The truck, when moving to its left immediately after passing the plaintiffs vehicle, clipped the right hand side of the plaintiff's vehicle cause the plaintiff to lose control of his vehicle which led to the plaintiff's injuries. It is common cause that there are no further relevant facts.
- [3] On these facts the only inference to be drawn is that the other driver was negligent and that the plaintiff is entitled to all his agreed or proven damages. Mr Khumalo for the defendant quite sensibly did not suggest otherwise.

ORDER

1. The defendant is liable for all of the plaintiffs agreed or proven damages arising out of the collision which occurred on 18 September 2013.
2. The defendant is to furnish the plaintiff with a certificate under section 17(4) of the Road Accident Fund Act in respect of future costs as referred to in that section.
3. The defendant is to pay the plaintiffs costs to date insofar as they relate the question of the merits.
4. Questions of quantum are postponed sine die.

G C WRIGHT

JUDGE OF THE HIGH COURT

Counsel for the Plaintiff: Adv PJ COETSEE

Instructed by:

LEDWABA ATTORNEYS

Counsel for the Defendant: Adv I T KHUMALO

Instructed by:

PULE INC

Date of Hearing:

02 November 2017

Date of Judgment:

02 November 2017

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