

SOUTH AFRICA / JUDGMENT

Road Accident Fund v Muthali Others (6945/2022) [2025] ZAGPJHC 123 (28 January 2025) [2025] ZAGPJHC 123

COURT

South Gauteng High Court, Johannesburg

BEFORE

GC Wright

CASE / FILE NUMBER

6945/2022

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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION,

JOHANNESBURG

CASE

NO: 6945/2022

1.

Reportable: No

2.

Of interest to other judges: No

3.

Revised

28

January 2025

ROAD ACCIDENT

FUND

Applicant

and

MUTHALI, CHRISTIANA

First Respondent

MUTHALI,

CHRISTIANA

Second Respondent

On behalf of ZIBA, MTENDE

MUTHALI, CHRISTIANA

Third Respondent

On behalf of ZIBA, EMERLIA

MUTHALI,

CHRISTIANA

Fourth Respondent

On behalf of ZIBA, MOODESTER

THE

SHERIFF OF THE HIGH
COURT:

Fifth Respondent
DISTRICT OF JOHANNESBURG NORTH

JUDGMENT

WRIGHT J

1. The applicant RAF seeks urgently to interdict a pending sale in execution of its movables pending a rescission application.
2. The applicant says that it learnt that the respondent is an illegal foreigner and therefore the settlement which was made an order of court stands to be set aside.
3. The applicant is silent as to when it learned that the respondent is a foreigner and accordingly a case for urgency is not made out.

ORDER

1. Struck off with costs on scale A. –

GC Wright

Judge of the High Court

Gauteng Division, Johannesburg

HEARD : 28 January 2025

DELIVERED : 28 January 2025

APPEARANCES :

Applicant Ms Nzianzia

State Attorney from RAF

Instructed by Road Accident Fund

Respondent Adv DB Du Preez

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CASE PAGE <https://chat.esheria.ai/case-law/south-africa/road-accident-fund-v-muthali-unknown-topic-agpjhc-2025>

Prepared on 9 October 2026 · Esheria