

SOUTH AFRICA / JUDGMENT

S.P.M v Road Accident Fund (A81/2024; 4636/2022) [2025] ZAMPMBHC 66 (30 July 2025) [2025] ZAMPMBHC 66

COURT

Mbombela High Court, Mpumalanga

BEFORE

Ratshibvumo, Bhengu, Ngwenya

CASE / FILE NUMBER

A81/2024; 4636/2022

Source: saflii.org · Research copy typeset by Esheria. Not court-issued or certified.

Source record

SAFLII

Note: Certain

personal/private details of parties or witnesses have been
redacted from this document in compliance with the law
and SAFLII

Policy

HIGH

COURT OF SOUTH AFRICA

MPUMALANGA DIVISION,

MBOMBELA MAIN SEAT

Appeal Case No.:

A81/2024

Aquo Case No.:

4636/2022

(1)

REPORTABLE: NO

(2)

OF INTEREST TO OTHER JUDGES: NO

(3)

REVISED: NO

DATE 30 July 2025

SIGNATURE

In

the matter between:

S[...]
P[...] M[...]
Appellant
and
ROAD
ACCIDENT FUND
Respondent
This judgment was handed
down electronically by circulation to the parties' representatives
via email and released to SAFLII. The
date and time for hand-down is
deemed to be 10:00 on 30 July 2025.

JUDGMENT

CORAM: Ratshibvumo DJP, Bhengu AJ and Ngwenya AJ

Judgment:

Bhengu AJ

Introduction

[1] This is an opposed appeal against the whole judgment and order of Moleleki AJ (“Court a quo”) dated 10 June 2024, which granted absolution from the instance in respect of the Appellant’s claim for loss of support in her personal capacity as the deceased mother and in a representative capacity on behalf of her two minor children. The Appellant’s claim for loss of support stemmed from the death of her elder son, T[...] M[...] (“the deceased”). The appeal is with leave from the Court a quo granted on 12 November 2024.

[2] The Appellant was the Plaintiff, and the Respondent was the Defendant in the Court a quo.

Issues for determination on appeal

[3] Whether the deceased had a legal duty to support the Appellant and his minor siblings.

[4] Whether the Appellant discharged her onus in proving the deceased's income.

[5] The appropriate contingency deduction applicable to the loss of support calculation

Brief background facts

[6] The Appellant, Mrs M[...], is a 50-year-old female. She is married to M[...] M[...], a 58-year-old male. Born of the marriage are three children: B[...] M[...] (the deceased) and two minor children, the twins, who are currently 10 years old.

[7] The deceased was the Appellant's elder son. He was 21 years old at the time of his demise as a result of injuries sustained in a motor vehicle accident which occurred on 06 December 2020. It is common cause that at the time of the accident, the deceased was conveyed as a passenger in the insured motor vehicle. The issue of the negligence of the insured driver was conceded 100% in favour of the Appellant

[8] In the particulars of claim, the Appellant averred the following:

"During his lifetime, the deceased was the biological brother of the minor children and the biological son of the Plaintiff and under a duty to maintain the minor children as well as the Plaintiff, whom he indeed maintained.

As a result of the passing of the deceased, Plaintiff, as well as the minor children have been deprived of maintenance and support provided to them by the deceased and accordingly suffered and will suffer loss of support calculated as follows:

The Plaintiff: R250 000.00

The plaintiff on behalf of T.H.M.: R220 000.00

The plaintiff and on behalf of. T.M: R220 000.00

TOTAL: R690 000.00"[1]

[9] The evidence led by the Appellant in the Court a quo, as summarised in the judgment, is as follows:

"The plaintiff testified that the deceased, her first born child, was employed at Big Joe, a company that manufactures tissue paper. The deceased was earning R600 per week. He would save the weekly earnings and at the end of the month would withdraw the sum of R1500.00 and give it to her. With the money given to her by the deceased, the Plaintiff would buy electricity, food, give pocket money to the minor children, and buy them clothing when needed, at least twice a year."

[10] During cross-examination, the Appellant was asked why there were no bank statements to prove the deceased's earnings. She stated that her attorney never asked her to bring the statements, in which case, she would have brought them.

[11]

[11] Her husband, Mr. T[...] M[...], works as a truck driver in Johannesburg. She does not know the name of the company he works for. She last saw him around 2018 or 2019. He used to pay her R1000 in maintenance, but stopped when he left. The Respondent's counsel asked her why she did not claim maintenance from her husband, and she replied that the deceased told her not to pursue him, and he assured her he would support her and the children.

[12] Asked why she was not working; she stated that there was no one to look after the children if she went to work. She also stated that she had a chronic illness, high blood pressure.

- [13] The other three witnesses called to testify on the Appellant's behalf confirmed that the Appellant told them that the deceased was supporting her and the minor children. An affidavit by the Appellant's sister-in-law, Ms M[...], was admitted into evidence in terms of section 3(1)(c) of the Law of Evidence Amendment Act 45 of 1988, as she had passed away before the hearing. In the affidavit, she confirmed that Mr M[...]'s whereabouts are unknown and that the deceased was maintaining his mother and his two minor siblings.

Judgment a quo

- [14] The Court a quo, in granting absolution from the instance, reasoned as follows:

"All that the court has is what the plaintiff says the deceased earned and nothing was presented in the form of a contract of employment or bank statements. These are some of the documents that would have given a clear indication regarding the deceased's income, thus giving credence to the plaintiff's testimony. That is so, even though the plaintiff in her testimony stated that the deceased had a bank account. The plaintiff, therefore, remains the only source of information."

- [15] The Court a quo rejected the affidavit deposed to by the deceased's employer, Mr Nyalungu, dated 04 November 2021. In the affidavit, Mr Nyalungu stated the following:

"B[...] M[...] was temporarily employed at my place when he was involved in an accident being a passenger... When the above-mentioned person died, he was earning R600 per week. Salary advices were not issued to him."

- [16] The reasons for rejecting the affidavit were that even though the affidavit was discovered, the author of the affidavit was not called to testify, and that the Appellant failed to make an application in terms of Rule 38(2) for the said affidavit to be admitted into evidence. The Court a quo stated the following in this regard:

"It is trite law that if evidence is not led to prove the authenticity of and originality of documentary evidence, such evidence will only qualify as hearsay evidence."

There is no evidence to gainsay the Plaintiff's evidence that the deceased was employed by Big Joe at the time of the accident. Be that as it may, the Plaintiff has not presented enough evidence to confirm the deceased's income."

- [17] The Court a quo relied on the judgment of *Ndlovu v RAF*[2] where the court stated that:

"A court's decision cannot be based on speculation or reservations gathered from documents which, although placed before it, were not admitted as to truth of contents; nor were used in the present case to test the veracity of the Plaintiff's testimony and the author was not called to testify".

Grounds for appeal

- [18] In the Notice to Appeal, the Appellant relied on the following summarized grounds:

18.1 That the Court a quo erred in rejecting the affidavit of Mr. Joseph Nyalungu into evidence under circumstances where the affidavit was referred to by the defendant's counsel in argument, and when the Appellant's counsel did make an application in terms of Uniform Rule 38(2) at the inception of trial which was objected to by the Respondent's counsel.

18.2 That the Court a quo erred in not making any determination on the deceased's duty to support the plaintiff and the minor children.

18.3 That the Court a quo erred in its finding of absolution from the instance based on its reasoning that the Appellant failed to produce documentary proof of the deceased's employment and income.

18.4 That the finding of absolution from the instance is in contrast to the undisputed evidence of the Appellant that the deceased earned R600.00 per week and that the Appellant received R1,500.00 per month as maintenance for her and the minor children, as corroborated by the Appellant's witnesses.

18.5 That the Court a quo erred in not applying an appropriate contingency to the Appellant's loss by virtue of the purported lack of documentation to prove the income of the deceased.

18.6 That the Court a quo erred in not finding that the plaintiff, by her undisputed evidence, had discharged the onus of proving that a loss had occurred.

Legal Framework on Loss of Support Claims

[19] The Respondent's liability is governed by the provisions of section 17(1)(a) of the Road Accident Fund Act 56 of 1996 ("the RAF Act"), which provides the following:

"(1) The Fund or an agent shall—

- (a) subject to this Act, in the case of a claim for compensation under this section arising from the driving of a motor vehicle where the identity of the owner or the driver thereof has been established;
- (b) ...

be obliged to compensate any person (the third party) for any loss or damage which the third party has suffered as a result of any bodily injury to himself or herself or the death of or any bodily injury to any other person, caused by or arising from the driving of a motor vehicle by any person at any place within the Republic, if the injury or death is due to the negligence or other wrongful act of the driver or of the owner of the motor vehicle or of his or her employee in the performance of the employee's duties as employee."

Analysis

[20] It is common cause that the Court a quo did not deal with the question whether the deceased had a duty to support his mother and his siblings. It is trite that a dependant's claim for loss of support seeks to place the deceased's dependents in the same position they would have been had the deceased not died, and that only a dependant with a legally enforceable duty of support from the deceased can sue the defendant for loss of support.[3]

[21] In *Oosthuizen v Stanley*[4] the Appeal Court held that over and above proving that the child contributed to the support of his parent, the plaintiff must further prove that there was a legal duty to contribute, that the circumstances of the parent were such that he needed the

contribution. The Court, relying on earlier authorities, further held that the legal duty for children to support their parents, if they are indigent, is “beyond question”.

[22] In casu, the Respondent contended that the Appellant was not indigent as her husband is still alive and earns an income as a truck driver.

According to the Respondent, the Appellant's claim for support lies against her husband and not the deceased. The Respondent sought to distinguish the facts of this case from the decision in *Fosi v Road Accident Fund*[5].

[23] In *Fosi v RAF*, the Plaintiff claimed loss of support resulting from the death of her son. The Plaintiff was married in community of property to Mr Fosi, who was receiving pension income in the sum of R520.00. Mr Fosi, instead of contributing to the household expenses,

spent all his money on buying alcohol. The Defendant in *Fosi* had also contended that the Plaintiff should have pursued a claim for maintenance from her husband in the maintenance court. The Plaintiff answered that in keeping with tradition, she could not do so. That even if she lodged the claim for maintenance, her husband would not comply with the Court order and might end up in prison.

[24] The Court awarded the Plaintiff's claim for loss of support. Dlodlo, J held that each case must be assessed on its own merits and that the deciding principle should be “whether the parent can prove that he or she was dependent on the child's contribution for the necessities of life”.

[25] The Court further reasoned that:

“Mr. Johnson Fosi was like a dead man. He was never there for his family. Like many alcoholics, he turned his back on those things that were his responsibility”.[6]

[26] Mr Manakana, on behalf of the Respondent, submitted that *Fosi* was distinguishable from this case in that in *Fosi*, the facts were placed before the court that Mr Fosi used his pension to buy alcohol. In contrast, in this matter, the information is lacking on why Mr M[...] was not supporting his family.

- [27] I do not agree with this proposition. I am of the view that this matter is similar to Fosi in that, in this case, we have a husband who deserted his family in 2018 or 2019 without a trace when the minor twins were approximately three years old. The evidence from the affidavit of the now late deceased's sister, Ms M[...], corroborates the Appellant's version that Mr M[...]'s whereabouts are unknown. It further confirms that the deceased supported the Appellant. I am of the view that the fact that we do not know how Mr M[...] spends his money is irrelevant. The common thread between him and Mr Fosi is that they failed to support their families, prompting the elder sons to take over the responsibility of providing support.
- [28] The authorities in actions for loss of support demonstrate that our courts have expanded claims for loss of support to individuals who do not fall under categories recognised by the common law. This development was evident in the SCA decision in *Paixão v Road Accident Fund*, where the court considered various factors, such as the fact that the Paixão family was living in a committed and loving relationship, accepted as a family unit by their community, that the deceased supported the family financially, and regarded them as his own to such an extent that he and Mrs Paixão executed a joint will nominating Mrs Paixão as sole heir and her daughters as beneficiaries. The court in this case held that:
- "The existence of a dependant's right to claim support which is worthy of the law's protection, and the breadwinner's correlative duty of support, is determined by the boni mores criterion or, as Rumpff CJ in another context put it in Minister van Polisie v Ewels, the legal convictions of the community. This is essentially a judicial determination that a court must make after considering the interplay of several factors: 'the hand of history, our ideas of morals and justice, the convenience of administering the rule and our social ideas of where the loss should fall'. In this regard considerations of 'equity and decency' have always been important. Underpinning all of this are constitutional norms and values. So the court is required to make a policy decision based on the recognition that social changes must be accompanied by legal norms to encourage social responsibility. By making the boni mores the decisive factor in this determination, the dependants' action has had the flexibility to adapt to social changes and to modern conditions."*
- [29] Appellant's counsel submitted that the deceased assumed the duty of support towards his mother and his siblings out of his own volition since the Appellant's husband left the matrimonial home. The evidence suggests that when the deceased instructed the Appellant not to claim maintenance from her husband, he had assumed the duty of support in respect of the Appellant and the two minor children. He submitted further that the Appellant must be placed in the position that she would have been, but for the passing of the deceased. He argued that the issue before the Court a quo was whether the deceased maintained them during his lifetime.
- [30] He referred to several authorities, which were noted, including *Jacobs v Road Accident Fund*[7] where the father of the deceased claimed loss of support resulting from the death of his son in a car accident. In that case, the

plaintiff's wife, Mrs Jacobs, was employed as a pharmacist earning an amount of R3,500 after deductions. The plaintiff's

case was that he was unemployed and unfit to work. His son had contributed R600 per month from his income for his maintenance. The court had to determine (i) whether the deceased was under a legal duty to support the plaintiff; (ii) whether the plaintiff was so indigent that the deceased became liable to support him; and (iii) whether the deceased would in the future have had a legal duty to continue with maintenance.

[31] In paragraph 22 of the judgment, the court held that it would be invidious to rule that the deceased had no duty to support his father when he had voluntarily assumed that obligation. The undertaking made by the deceased gave the plaintiff a reasonable expectation that his maintenance contributions would continue. The court further held that:

"A duty of support between family members is one of those areas in which the law gives expression to the moral views of society. In the present case, the plaintiff did not have to enforce his right to maintenance from the deceased. The deceased voluntarily assumed that obligation. In my view this is sufficient in itself to warrant a finding that the plaintiff had acquired a right to maintenance from his son, which was enforceable against the insured and, by law, against the defendant."

Duty of support between siblings

[32] In *Langa and Others v Road Accident Fund*[8] the Plaintiff, a 50-year-old woman, was the mother of the deceased, who died in a motor vehicle collision, aged 27. She claimed

compensation for loss of support for herself and in a representative capacity on behalf of the deceased minor siblings, aged 12 and 14, respectively. The deceased was the sole source of support for his two minor siblings and their mother. The Defendant's case was that no duty of support existed between the deceased and his minor siblings. The court awarded compensation for the loss of support for the plaintiff and the deceased's minor siblings. The court stated the following in respect of a duty of support between siblings:

"Our law has thus recognised that the duty of support extends to children, parents and even siblings, such as in this case, with due regard to factors such as morality, justice and the history of support even in instances where such support was not mandatory".

[33] In *Sandla v Road Accident Fund*[9], the court accepted that the Plaintiff had locus standi to claim loss of support as a sibling to the deceased. However, the court dismissed the Plaintiff's claim on the basis that at the time of her brother's death, she was already 28 years old. She had obtained at least three post-matric qualifications. The court reasoned that the deceased had no legal duty to support the Plaintiff after she had attained the age of majority and had obtained post-matric qualifications.

[34] In conclusion, regarding the question whether the deceased had a legal duty to support, I note the uncontroverted evidence of the Appellant that the deceased voluntarily assumed the responsibility to support her and his minor siblings when her husband left her. She

could not seek employment because she had no one to care for her minor children. Her evidence that Mr M[...]’s whereabouts are unknown was confirmed in an affidavit by her sister-in-law, Ms M[...]. She also confirmed that the deceased supported the Appellant. I further take note that the Appellant is currently 50 years of age. For someone who has never worked, her advanced age and chronic condition may hinder her chances of entering the open labour market. In any event, it is trite that in a dependent's claim for loss of support, the dependents should be placed in the same position they would have been had the deceased not died and continued to provide support.

[35] With reference to the SCA decision in *Road Accident Fund v Mohohlo*[10] where the court stated the following:

“Another relevant consideration is that in terms of s 211(3) of the Constitution the court must apply customary law when that law is applicable, subject to the Constitution and any legislation that specifically deals with customary law”.

[36] In the African customary practice, the elder son in the family is expected to step into the shoes of his father in case of death, alternatively, as in this case, where Mr M[...] decided to abandon his family. The deceased’s decision to take over his father’s duties alleviated the stress and hardship that the Appellant would have faced in trying to locate her estranged husband for maintenance. In my view, the conduct of the deceased at his young age in taking care of his mother and minor children, despite him earning an amount which is below the minimum wage (as per the actuarial report), is an expression of Ubuntu which cannot be faulted by this Court.

[37] I am satisfied that, considering the totality of evidence presented by the Appellant in the Court a quo, the Appellant has succeeded in proving on a balance of probabilities that the deceased owed her and his minor siblings a duty of support, and that he was in a position to provide that support. The Appellant, therefore, suffered a loss of support which can be enforced against the Respondent. The evidence shows that the appellant is indigent and in need of support.

Deceased Earnings

[38] The Respondent’s counsel contended that the Appellant failed to prove the deceased's earnings for the following reasons: the affidavit filed by Mr Nyalungu lacked detail regarding the deceased's job, when he was employed, etc. He argued that there was no documentary proof of the R600 alleged earnings, and the sum of R1,500 that the Appellant allegedly received monthly from the deceased, as no bank statements were filed in support thereof.

[39] While it is evident that the information contained in the affidavit is deficient as to what kind of work the deceased was doing, when he was employed, etc, I am, however, of the view that regardless of the gaps identified, the Plaintiff's evidence in relation to where the deceased was working and that he started working in 2017, earning R600 per month, was not challenged. It is a reality in the informal employment sector that at times workers are not issued with a salary

advice and that the employment relationship is not formalized through an employment contract. I am of the view that the Court a quo erred in insisting on documentary proof when Mr Nyalungu, the employer, had already confirmed that there was none. I am therefore of the view that the Appellant discharged her onus on a balance of probabilities that the deceased was employed and was

contributing to her and the minor children's living expenses.

[40] Even if the affidavit of the employer was not properly introduced as evidence, I am of the view that both parties ventilated the issue of the affidavit during the hearing and in their heads of argument, and the Appellant already testified on the issues raised by the Respondent. The actuarial calculation was also based on the same affidavit. I am of the view that it was within the Court a quo's discretion to consider the affidavit of the employer in the evaluation of the case. This is also based on the following extract

in the actuarial calculation, which was accepted into evidence in terms of Uniform Rule 38(2):

"Assumed income had the accident not occurred:

Mr M[...] was earning significantly below minimum wages (my emphasis). I assumed that, had the accident not occurred, his income would have been as follows:

- R31,200 per year (R600x52) at the time of the accident.
- Assumed increasing gradually to R59,483 per year (current national minimum wage of R25.42 per hour for 45 hours per week and 52 weeks per year - September 2023 terms on average) in December 2025.
- Thereafter, increasing with earnings inflation until assumed retirement at age 65".[11]

[41] It is noted from the above extract that the alleged earnings of the deceased are not exaggerated. They fall significantly below the minimum wage. The actuary only provided for an increase in earnings to be on par with the minimum wage in September 2023. Thereafter, only inflationary increases until age 65 are factored into the calculation.

[42] I agree with the Court a quo's criticism of the Appellant's attorney's failure to prepare adequately by placing all the relevant evidence relied upon before the Court for evaluation. (This is in light of the Appellant's evidence that the deceased kept a bank account held with Capitec Bank where he was saving his earnings and that the attorney never asked her to bring bank statements, in which case she would have provided them.) Failure to submit

relevant information, even when it is available, has an undesirable effect of clogging the court's roll with matters that could have been settled between the parties. In this matter, however, where the unchallenged viva voce evidence supported by the employer's affidavit was that the deceased was paid by hand, the Court a quo erred in granting absolution from the instance for the reason of lack of bank statements and employment contract.

Applicable contingencies

- [43] The Respondent's counsel relied on *Glenn Marc v The Road Accident Fund*[12] where the court held that the younger the victim, the longer the period over which the vicissitudes of life will operate and the greater the uncertainty in assessing the claimant's likely career path. He submitted that Scenario A, of the calculation until the minor children attain age 18, should be used. He submitted that 5% should be applied for past loss and 25% should be applied for future loss of the minor children. With regards to Mrs M[...], he submitted that 10% should be applied for past loss and 25% for future loss.
- [44] The Appellant relied on the decision in *Lebona v President Versekerings Maatskappy BPK*[13] and *Shield Insurance Co, Ltd v Booysen*[14] where the court stated that the dependent's claim for loss of support had to be determined concerning the deceased's earning capacity as opposed to the actual income. This is because the actual income is subject to change in the future.
- [45] The determination of contingencies is the prerogative of the court, having regard to the unique circumstances of each case. In this regard, I do not agree with the Respondent's submission that a 25% contingency should be applied to the figure for future loss of support. The authority relied on which proposed a higher contingency for younger victims related to a claim for loss of earnings. In casu, even though the deceased was 21 years old when he passed, the earnings upon which the calculation is based are below the minimum wage as stated before. The postulations do not take into consideration an event when the deceased could have obtained permanent employment with better wages. Furthermore, the calculation provided for support to the Appellant until age 60, whereafter she would qualify for an old-age social grant.
- [46] I further note that, although the Appellant alleged the deceased was giving her a sum of R1,500 per month, the calculation apportioned the deceased's monthly salary of R2,400 in five parts, one for each dependent and two parts for the deceased. This had the effect of limiting the amount claimed to have been received by the Appellant per month by R60. The young age of the deceased also supports the argument by the Appellant's counsel that he would have been able to support the minor children until age 21.
- [47] I am therefore of the view that the general contingencies applied by the Actuary of 5% in respect of the past loss, 10% in respect of the children's future loss and 15% in respect of the mother's future loss of support are reasonable.

[48] In the result, I propose the following order:

1. The appeal is allowed with costs.

2. The order of the court a quo is set aside and replaced with the following order:

2.1 The aspect of merits having been settled between the parties, the Respondent shall pay 100% of the Appellant's proven damages.

2.2 The Respondent is ordered to pay to the Appellant the sum of R385,429.00 (Three Hundred and Eighty-Five Thousand Four Hundred and Twenty-Nine Rand Only) in respect of past and future loss of support, made up as follows:

2.2.1 R107,193 (One Hundred and Seven Thousand One Hundred and Ninety-Three Rands Only) in respect of Mrs S[...] P[...] M[...].

2.2.2 R139,118 (One Hundred and Thirty-Nine Thousand One Hundred and Eighteen Rands Only) in respect of Tony M[...].

2.2.3 R139,118 (One Hundred and Thirty-Nine Thousand One Hundred and Eighteen Rands Only) in respect of Thuli M[...].

2.3 The Respondent is ordered to pay the Appellants' taxed or agreed party and party costs of the action on a High Court Scale B, which costs are to include the costs of GRS Actuarial Consulting Actuaries.

JL Bhengu

Acting judge of the High Court

Mbombela Main Seat

I agree, it is so ordered

TV Ratshibvumo DJP

Judge of the High Court

Mbombela Main Seat

I agree

TS Ngwenya

Mbombela Main Seat

Appearances

For the Appellant: Adv S Kok

Instructed by Du Toit-Smuts Attorneys

Email: tvdsandt@dtsa.co.za / cstoltz@dtsa.co.za

Ref: R Matthysen/CS/MR5/21(MOK801)

For the Respondent: Adv S Manakana

Instructed by the office of the State Attorney, Nelspruit

Email: maninit@raf.co.za

Ref: M Tsebane/Z05/MP2022

Date of hearing: 13 June 2025

Date of Judgment: 30 July 2025

- [1] Particulars of claim vol 1 page 8 para 10 & 11
- [2] Ndlovu v RAF 2014(1) SA 415 at para 70
- [3] Paixão v Road Accident Fund (640/2011) [2012] ZASCA 130 (26 September 2012) at para 12; Legal Insurance Company Ltd v Botes 1963
- (1) SA 608 (A) at 614D-F; Evins v Shield Insurance Co Ltd 1980 (2) SA 814 (A) at 838A-B; J Neethling, J M Potgieter and P J Visser The Law of Delict 5 ed at 257 n 39; Santam Bpk v Henery [1999] ZASCA 5; 1999
- (3) SA 421 (SCA) at 429C-D;
- [4] Oosthuizen v Stanley 1938 A.D. 322 at page 327-328
- [5] Fosi v Road Accident Fund (1934/2005) [2007] ZAWCHC 8; 2008 (3) SA 560 (C); (21 February 2007) para 3
- [6] See Fosi supra at para 13-14
- [7] Jacobs v Road Accident Fund 2010 (3) SA 263 at page 263
- [8] Langa and Others v Road Accident Fund (2014/67644) [2016] ZAGPPHC 876 (22 September 2016) at par 12.
- [9] Sandla v Road Accident Fund (735/2022) [2024] ZAECMHC 54 (20 June 2024) para 35.
- [10] Road Accident Fund v Mohohlo (882/16) [2017] ZASCA 155 (24 November 2017) para 13.
- [11] GRS Actuarial calculation of loss of support dated 08 August 2023 at para 3.2
- [12] Glenn Marc v The Road Accident Fund (093/2017) [2018] ZASCA (29 March 2018) at para 116
- [13] Lebona v President Versekeringsmaatskappy Bpk 1991(3) SA 395 (W) @ 403D-E
- [14] Shield Insurance Co, Ltd v Booysen 1979 (3) SA 953 (A)

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZAMPMBHC/2025/66.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/spm-v-road-unknown-topic-ampmbhc-2025--6a3ea5133b1caa912980b25c>

Prepared on 10 October 2026 · Esheria