

SOUTH AFRICA / JUDGMENT

Stevens and Another v Road Accident Fund (26017/2016) [2022] ZAGPJHC 859 (1 November 2022) [2022] ZAGPJHC 859

COURT

South Gauteng High Court, Johannesburg

BEFORE

Twala M L

CASE / FILE NUMBER

26017/2016

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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 26017/2016

REPORTABLE: NO

OF INTEREST TO OTHER JUDGES: NO

REVISED.

1st November 2022

In the matter between:

STEVENS: SUSSAN CORNELIA SUSARAH

FIRST PLAINTIFF

BOTES: SHEREEN

SECOND PLAINTIFF

And

ROAD ACCIDENT FUND

DEFENDANT

ORDER IN TERMS OF RULE 42

Delivered: This order was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to Parties / their legal representatives by email and by uploading it to the electronic file of this matter on Case Lines. The date of the order is deemed to be the 1st November 2022.

TWALA J

- [1] On the 31st of October 2022 I handed down the judgment and order in favour of the plaintiffs and ordered the defendant to pay certain sums of money to both the plaintiffs for their claims of loss of support.
- [2] It has been brought to my attention by the legal representative for the defendant that, according to the judgment, a 15% contingency was to be applied on the future earnings of the deceased. However, when the order was made, the Court in error, did not apply the 15% contingency deduction on the future earnings of the deceased as it appears on the judgment in orders 1 and 2 of the judgment.
- [3] With hindsight and as an extra precaution, I have realised that, except to mention in the

judgment

that the defendant is 100% liable for the proven damages of the first plaintiff, I did not make an order in this regard.

- [4] In correcting the order of the 31st October 2022 in terms of Rule 42 of the Uniformed Rules of Court, I therefore amend the judgment by introducing a new order which should read as follows:
- [5] In the circumstances, I make the following order:
 - 1. The defendant is liable for 100% of the proven damages of the first plaintiff;
 - 2. The defendant is to pay the first plaintiff a sum of R754 193.90 (Seven Hundred and Fifty-Four Thousand and One Hundred and Ninety-Three Rand and Ninety Cent);
 - 3. The defendant is to pay the second plaintiff the sum R448 520.90 (Four Hundred and Forty-Eight Thousand Five Hundred and Twenty Rand and Ninety Cent);
 - 4. The defendant shall pay interest on the sums mentioned in 2 and 3 above from 14 days after the date of this order at the prescribed morae rate of interest applicable from time to time, if payment of the amounts mentioned in 2 and 3 above is not made within 180 days of this order;
 - 5. The defendant is to pay the plaintiffs' costs of the action including costs of obtaining the actuarial report, which costs are to be agreed or taxed;

6. The defendant shall pay the agreed or taxed costs of the plaintiffs within 14 days from the date of this order, if payment thereof is not made within 180 days from the date of taxation or agreement;
7. All the amounts payable by defendant to the plaintiffs shall be paid into the Trust Account of the plaintiffs' attorneys: Anton Myburgh Attorneys; Nedbank, Three Rivers Branch, Vereeniging, Account No: [...] for the credit and benefit of the plaintiffs.

TWALA M L

JUDGE OF THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION

Date of Correction: 1st November 2022

Date of Delivery:

1st November 2022

For the Plaintiffs:

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Prepared on 12 October 2026 · Esheria