

**IN THE HIGH COURT OF SOUTH AFRICA  
(NORTH GAUTENG HIGH COURT - PRETORIA)**

|                                                      |                                                                                   |
|------------------------------------------------------|-----------------------------------------------------------------------------------|
| DELETE WHICHEVER IS NOT APPLICABLE                   |                                                                                   |
| (1) REPORTABLE: <del>YES</del> /NO.                  |  |
| (2) OF INTEREST TO OTHER JUDGES: <del>YES</del> /NO. |                                                                                   |
| (3) REVISED.                                         |                                                                                   |
| DATE <u>12/02/2010</u>                               | SIGNATURE                                                                         |

12/2/2010

CASE NO: 21462/2008

In the matter between :

**MOORE, JOHANNA**

Plaintiff

And

**ROAD ACCIDENT FUND**

Defendant

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**JUDGMENT**

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MATOJANE J

[1] This is an action for damages arising out of a motor vehicle accident. I separated the merits from the quantum in accordance with a request to this effect by the parties. This judgment is accordingly, concerned only with the question whether the defendant is liable for damages that the plaintiff may have suffered as a result of the accident.

[2] It is common cause that, on 11 September 2007 at approximately 06h45 and at the intersection of R55 & Arthur, a collision occurred between a motor vehicle driven by the plaintiff and another one driven by Aletta Abralina. Arising from this accident, which the plaintiff alleged was caused solely by the negligence of Aletta Abralina, the plaintiff has claimed damages from the defendant in the amount of R804 447.00.

[3] The plaintiff testified that she was driving down R55 in the southerly direction approaching the intersection with Arthur road. The traffic lights were in her favour. As she entered the intersection, a car on R55 travelling north unexpectedly turned right into Arthur road across her lane of travel and collided with the front right hand side of her vehicle.

[4] The plaintiff stated that she was travelling at about 60 kilometres per hour in a 80 kilometre zone. She was not able to avoid the collision, no matter what she may have tried.

[5] The only witness to testify was the plaintiff. The defendant did not call any witnesses.

[6] The only evidence before me is that of the plaintiff. On her version, the sole cause of the accident was Aletta Abralina who unexpectedly and without warning drove across her lane of travel. On her evidence, she was not able to avoid the accident which ensued. I accept her evidence.

[7] I find that the defendant is liable for the damages that the plaintiff has suffered as a result of the accident.

[8] The following order is made:

- (a) The defendant shall be liable for the damages that the plaintiff proves in due course arising from the motor vehicle accident that occurred on 11 September 2007.
- (b) The defendant is directed to pay the plaintiff's costs

  

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**K-E MATOJANE**  
**JUDGE OF THE HIGH COURT**