

IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)

CASE NUMBER: 3433/2005

30/7/2010

In the matter between:

I. MUHAMMED IGHSAAN ROCKER

PLAINTIFF

and

ROAD ACCIDENT FUND

DELETE WHICHEVER IS NOT APPLICABLE	
(1) REPORTABLE	YES/NO
(2) OF INTEREST TO OTHER JUDGES	YES/NO
(3) REVISED	✓
DATE 27/6/10	 SIGNATURE DEFENDANT

JUDGMENT

GOODEY AJ:

- [1] This matter pertains to a motor vehicle collusion which took place on or about the 9th of February 2004 at the intersection of Aletta and Bart Joubert streets, Erasmia, Pretoria, between motor vehicle bearing registration letters and numbers NHJ 680 GP (hereinafter referred to as the insured vehicle) there and then being driven by one M. Wajar (hereinafter referred to as the insured driver) and motor vehicle bearing

registration letters and numbers MJD 688 GP there and then being driven by Plaintiff.

- [2] I was called upon by counsel to concern myself with the merits only.
- [3] The Plaintiff avers that the collusion was caused by the sole negligent driving of the insured driver.
- [4] On the other hand the defendant avers the collision was caused by the sole negligence of the Plaintiff.
- [5] Both parties called witnesses to testify and these witnesses were duly cross examined.
- [6] I called for heads of argument from counsel which I have not received to date.
- [7] Be that as it may, I will give my reasons later.
- [8] I make the following order:
 - 1. The Defendant is ordered to pay 50% of the Plaintiff's claim, either agreed or proved;

2 The Defendant is further ordered to pay 50% of the Plaintiff's
taxed costs.



GOODEY A.J.