

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 902/2020

DATE: 12-03-2025

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: NO.

(2) OF INTEREST TO OTHER JUDGES: NO.

(3) REVISED.

DATE 12/03/2025

SIGNATURE [Redacted Signature]

10 In the matter between

MOLOKOMME NCHAKGA ELIZABETH

Plaintiff

and

ROAD ACCIDENT FUND

Defendant

J U D G M E N T

WEIDEMAN, AJ: The accident from which this claim arose occurred on 27 June 2019. The minor involved was born on
20 3 January 2012. The aspect of liability in this matter had previously been conceded, that concession is dated 16 January 2020 and appears on CaseLines at B1-21.

The injuries are set out as follows in paragraph 7 of the plaintiff's particulars of claim on CaseLines at B1 A-20:

- a head injury including a fracture to the base of the

skull with psychological and psychiatric sequelae;

- soft tissue injuries to the left wrist, hip;
- multiple undefined further soft tissue injuries;
- a laceration to the lip;
- a left leg injury;
- a left forearm injury; and
- rib injuries.

The plaintiff applied in terms of Rule 33(4) for the
10 separation and postponement of the claims for past hospital
and medical expenses and general damages.

The claim in respect of future hospital and medical
expenses will no doubt be dealt with in accordance with the
standard approach of this defendant, which leaves the
aspect of future loss of earnings and loss of earning
capacity before Court.

Counsel summarised the salient aspects of the various
20 medico-legal reports in his heads of argument. The
conclusions of the experts on which the actuarial
calculations are based do not induce a sense of shock, and
are accepted as reasonable and substantiated.

On this basis the pre-contingency amount in the but for the

accident scenario is calculated at R4 674 382 and the having regard to the accident figure at R3 271 389.

The actuary utilised illustrative contingency deductions in his report and counsel presented an alternative from the bar.

Considering the totality of the evidence before Court as well as the length of the calculation, spanning a career of 40
10 years, the following contingencies are warranted:

In respect of the but for the accident scenario I have applied a .75% per annum contingency, which over 40 years equates to 30 percent. The pre-accident figure then becomes R3 272 067.

In the having regard to the accident scenario, the lowered income earning trajectory reflected in the actuarial report, to a very significant extent, compensates for and addresses
20 the injuries and its sequelae.

For the above reason, I am of the view that the "having regard to" the accident contingency deduction need not be significantly higher than the pre-accident figure of .75% and in the having regard to the accident scenario I have applied

a 1% contingency deduction per annum over the 40-year working lifespan of the plaintiff, which results in a 40% contingency deduction. The post-accident figure then reduces to R1 962 833.

The nett effect of applying a .75% per annum pre-accident and 1% per annum post-accident deduction on the actuarially calculated figures results in an amount of R1 309 234.

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My order is therefore as follows:

1. The plaintiff's application in terms of Rule 33(4), to separate out and postpone *sine die* the heads of damage of past hospital and medical expenses and general damages is granted.
2. The plaintiff's application in terms of Rule 38(2) to present evidence on affidavit is granted.
3. The defendant shall provide the minor with an unlimited undertaking in terms of section 17(4)(a) of the Road Accident Fund Act for such 100% future hospital, medical and ancillary expenses as the minor may require.
4. In respect of future loss of earning capacity the defendant shall pay the minor the sum of

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R1 309 234.

5. The plaintiff is entitled to party and party costs as
taxed or agreed. Counsel's fees shall be on
Scale B.



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WEIDEMAN, AJ

JUDGE OF THE HIGH COURT

10 DATE: 12/23/2025