

REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

CASE NO: 58051/2018

DOH: 07 – 11 AUGUST 2023

DECIDED: 12 FEBRUARY 2024

(1) REPORTABLE: NO

(2) OF INTEREST TO THE JUDGES: NO

(3) REVISED.

DATE: 02 MAY 2025

SIGNATURE:

In the matter between:

ADV. W du PREEZ N.O obo BUSISIWE REBONE SHABANGU Plaintiff

And

MEC FOR HEALTH, GAUTENG

Defendant

VARIATION OF ORDER IN TERMS OF RULE 42 (1) (b)

Bam J

1. This is a variation of the order issued by this court on 12 February 2024 to correct a patent error or omission.
2. In terms of Rule 42 (1) (b) of the Uniform Rules of Court, (Rules):

‘(1) The court may, in addition to any other powers it may have, *mero motu* or upon the application of any party affected, rescind or vary:
 - (a) ...
 - (b) an order or judgment in which there is an ambiguity, or a patent error or omission, but only to the extent of such ambiguity, error or omission.

Omission

3. Upon granting the order, this court omitted to specify the various costs, including the costs of the curator *ad litem*. Following the plaintiff's notice drawing the omission/patent error to the attention of the court and the Defendant, this court is satisfied that there has been compliance with Rule 42(3). Accordingly, the Order is hereby varied to read as follows:

Order

1. The issue of liability and quantum is separated in terms of Rule 33(4) of the Uniform Rules of Court. Quantum is postponed *sine die*.
2. The defendant is ordered to pay 100% of the plaintiff's proven and/or agreed damages.
3. The defendant is ordered to pay the plaintiff's taxed or agreed costs, which costs shall include but are not limited to the costs of trial from 7 August to 11 August 2023, including,

3.1 the reasonable preparation costs of experts and any addenda (if any) to the reports of the following experts:

3.1.1 Dr Birrell – Orthopedic Surgeon

3.1.2 Dr Botha – Specialist Physician; and

3.1.3 Ms Jansen van Rensburg – Registered Nurse; and

4. The costs of the curator ad litem.

5. The costs are to be paid to the credit of the plaintiff's attorney's trust account, the details of which are:

Name: Werner Boshoff Inc
Bank: Standard Bank
Type: Trust Account
Code: 012445
Acc No. 0[...]
Ref: W Boshoff/MP/MAT891

N.N BAM
JUDGE OF THE HIGH COURT OF SOUTH AFRICA,
GAUTENG DIVISION PRETORIA

Appearances:

Counsel for the Plaintiff: Adv J.S.M Güldenpfennig with him Adv D.P Viller

Instructed by: Werner Boshoff Inc.
Brooklyn, Pretoria

Counsel for the Defendant: Adv S Malatji

Instructed by:

The State Attorney Pretoria