

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

CASE NO: 10920/2022

(1) REPORTABLE: NO
(2) OF INTEREST TO OTHERS JUDGES: NO
(3) REVISED: NO
20 September 2025

In the matter between:

MOLOELE KM

APPLICANT

And

THE ROAD ACCIDENT FUND

RESPONDENT

JUDGMENT

AMIEN AJ:

Introduction

[1] This is an application for default judgment for the recovery of damages under the Road Accident Fund Act 56 of 1996 arising from personal injuries sustained by the Applicant (Plaintiff in the main action) as a result of a motor vehicle accident that occurred on 17 June 2021.

[2] The Applicant is an adult male aged about 24 years old. At the time of the accident, he was about 19 years old.

[3] Soon after the accident, the Applicant was admitted to a private hospital,

Muelmed Mediclinic.

- [4] The Applicant claims for past and future medical expenses, and past and future loss of earnings.
- [5] An offer of settlement by the Respondent (Defendant in the main action) in respect of general damages was accepted by the Applicant. The merits are therefore deemed to have been settled in Applicant's favour.
- [6] The combined summons in the main action was served on the Respondent on 22 February 2022, and no notice of intention to defend was filed by the Respondent within the required *dies* and at the date of the hearing of this application, which was on 25 July 2025.

Injuries sustained

- [7] The Applicant sustained the following injuries arising from the accident:
 - [7.1] Mild traumatic brain injury
 - [7.2] Mild symptoms of depression and anxiety symptomatic of post-traumatic stress disorder
 - [7.3] Chronic adjustment disorder involving headaches associated with blurry vision, and neck and back pain due to soft tissue injuries to the neck and back
 - [7.4] Impairment of concentration span and memory
 - [7.5] Fracture of the left distal radius
 - [7.6] Left ankle injury
 - [7.7] Left wrist injury
 - [7.8] Laceration on the forehead, which required sutures, leaving a facial scar
- [8] During oral argument, counsel for the Applicant further advised that the Applicant struggles to sit or stand for extended periods of time and he struggles psychologically to interact with other people.
- [9] The Applicant completed grade 12 and at the time of the hearing was scheduled to complete a BCom Managing Marketing degree at Boston College in 2025.
- [10] When the Applicant commenced his studies at Boston College in 2021, he was

scheduled to complete them by 2023, but due to the impact of the accident, his progress was delayed by about two years.

- [11] At the time of the accident, the Applicant was also employed as a part-time Currency Trader.
- [12] The Applicant obtained expert reports from Dr Colin Barlin (orthopaedic surgeon), Dr Bongani Ngele (specialist neurologist), Dr Kobus Roux (psychiatrist), Ms Rita Van Biljon (occupational therapist), Dr AC Strydom (industrial psychologist), Ms Mari Lautenbauch (educational psychologist) and Mr Johan Sauer (actuary).
- [13] Dr Barlin (orthopaedic surgeon) confirms that the Applicant suffered the following injuries:
 - [13.1] Fracture of the left radial styloid, which was stabilised with a Kirshner wire and was later removed. The forearm is no longer symptomatic.
 - [13.2] Soft tissue injury to the cervical spine became symptomatic three (3) months after the accident. The Applicant's neck was painful and stiff.
 - [13.3] Soft tissue injury to the lumbar spine became symptomatic three (3) months after the accident, which caused the Applicant to experience lower back pain and stiffness.
- [14] Dr Barlin anticipates that the Applicant's neck and back symptoms will respond to extensive physiotherapy, analgesics and anti-inflammatories over a period of eighty (80) months from the date of prognosis. He expects that with adequate treatment, the Applicant should be able to continue with his work and studies until retirement age.
- [15] Ms Van Biljon (occupational therapist) recommends four (4) hours of occupational therapy intervention to treat the soft tissue injuries sustained to the Applicant's neck and back.
- [16] Dr Ngele (specialist neurologist) reports that the CT scans of the Applicant's brain, abdomen and pelvis were normal, although there was evidence of mild traumatic brain injury. The Applicant also suffers from chronic neck and back pain, regular headaches associated with blurry vision, and impairment of his concentration span and memory.

- [17] Dr Ngele is of the view that the Applicant's deficits in concentration, attention and memory contributed to his academic under-performance, which delayed the progress of his studies by two years. Although full cognitive recovery is unlikely, Dr Ngele predicts that the Applicant's functional outcomes may improve through compensatory strategies and academic accommodations. His anticipated treatment includes among others, neurological management, chronic pain management, academic support, and scar revision for the facial scar on the Applicant's forehead.
- [18] Dr Roux (psychiatrist) confirms that the Applicant: was emotionally traumatised by the accident due to the death of the driver as a result of the accident; is anxious to drive past field fires because there was a fire on the side of the road when the accident occurred; is sometimes hypervigilant in traffic; is scared to drive long distances; and has flashbacks of the accident. He confirms that the Applicant suffers from mild depression and anxiety, which are reflective of post-traumatic stress disorder (PTSD). Dr Roux is of the view that the Applicant is not psychotic, can manage his own affairs, and his psychiatric sequelae will not affect his productivity and ability to work until full retirement.
- [19] Dr Roux recommends that to treat the Applicant's PTSD, he will require between 10 and 20 sessions with a clinical psychologist, and possibly more to deal with the emotional trauma. His chronic adjustment disorder needs to be treated with oral medication.
- [20] Ms Mari Lautenbach (educational psychologist) is of the opinion that if the accident had not occurred, the Applicant would have likely been able to study towards an honours (NQF 8) level. Post-accident, she is of the view that the Applicant will most likely reach his ceiling at NQF 7-degree level.
- [21] Dr Strydom (industrial psychologist) reports as follows: The Applicant wishes to pursue a career in forex trading and market management and has the functional capacity to meet the demands of such occupations. He is able to reach his pre-morbid potential although the pain and discomfort that he experiences may result in him suffering a loss of productivity. Should his pain response result in further treatment and should he have a psychiatric relapse, he may also suffer a loss of earnings although the quantification of that is uncertain.

[22] Dr Strydom suggests that an appropriate higher than normal post-morbid contingency deduction should be applied in relation to the Applicant's future loss of earnings.

Loss of earnings and future medical treatment

[23] In light of the above, the loss of earnings (based in part on Mr Sauer (actuary's) report is calculated as follows:

[23.1] Past loss of earnings comprising pre-morbid past loss of earnings (subject to 5% contingency) and post-morbid past loss of earnings (subject to 5% contingency): R757 098.70 – R749 080.70 = R8 018.00.

[23.2] Future loss of earnings comprising pre-morbid future loss of earnings (subject to 20 contingency) and post-morbid future loss of earnings (subject to 30 contingency), which totals R1 919 903.30.

[23.3] The total loss of earnings is therefore R1 927 921.30.

[24] Since the Applicant may require future medical treatment, he is entitled to an Undertaking in terms of section 17(4)(a) of the Road Accident Fund Act 56 of 1996 to be compensated by the Respondent for the cost of future accommodation in a hospital or nursing home or treatment of or rendering of a service or supplying of goods to the Applicant resulting from injuries sustained by him as a result of an accident that occurred on 17 June 2021.

Order

[25] In the result, the following order is made:

25.1. The Respondent shall pay to the Applicant the sum of R1 927 921.30 in full and final settlement of the Applicant's claim, which amount shall be paid within 180 days to the credit of the trust account of the Applicant's Attorneys of record as follows:

Account holder: VZLR Inc

Name of bank: ABSA Business Bank Hillcrest

Account number: 3[...]

Branch code: 6[...]

Branch: Krugersdorp

Reference: M[...]

- 25.2. The Respondent will not be liable for any interest on the said payment provided payment is made timeously.
- 25.3. In the event of the default of the Respondent, interest will be payable on the full amount owing at that time at the rate of 11.75% interest per annum, calculated from the 15th day after the date of this order to the date of payment.
- 25.4. The Respondent is ordered to furnish the Applicant with an Undertaking in terms of section 17(4)(a) of the Road Accident Fund Act 56 of 1996, to compensate the Applicant for the cost of future accommodation in a hospital or nursing home or treatment of or rendering of a service or supplying of goods to the Applicant resulting from injuries sustained by him as a result of an accident that occurred on 17 June 2021, after such costs have been incurred and upon proof thereof.
- 25.5. The Respondent is to pay the costs of the Rule 38(2) expert reports.
- 25.6. The Respondent is to pay the Applicant's taxed or agreed party and party costs on a High Court scale B, including the costs up to and including 25 July 2024, which costs are subject to the Taxing Master's discretion.
- 25.7. Should the parties not be able to agree on the amount of the legal costs' payable by the Respondent, the Applicant shall serve a Notice of Taxation on the Respondent's attorneys.
- 25.8. The Applicant shall allow the Respondent 180 court days to make payment of the costs so taxed.
- 25.9. Should the Respondent default, interest will be payable on the full amount owing at that time at the rate of 11.75% interest *per annum* calculated from the 15th day up to and including the date of payment.

W AMIEN
ACTING JUDGE OF THE HIGH COURT
PRETORIA

APPEARANCES:

Counsel for the Applicant: Leon Van Der Merwe
Instructed by: VZLR Inc

Case number: **10920/2022**

Date heard: 25 July 2025

Date of judgment: 20 September 2025

This judgment has been delivered by uploading it to the court online digital data base of the Gauteng Division, Pretoria and by e-mail to the attorneys of record of the parties. The deemed date and time for the delivery is **20 September 2025**.