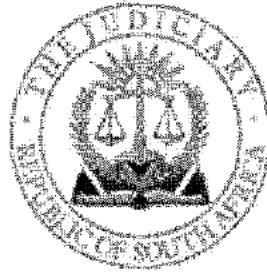


REPUBLIC OF SOUTH AFRICA



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

Case No: 2021/23043

DELETE WHICHEVER IS NOT APPLICABLE
REPORTABLE: NO

OF INTEREST TO OTHER JUDGES: NO

REVISED: NO

13/10/2025
DATE


SIGNATURE

IN THE MATTER BETWEEN:

HLATSHWAYO, SIZAKELE GUGU

PLAINTIFF

ROAD ACCIDENT FUND

DEFENDANT

JUDGMENT

MOSTERT AJ

1. The Plaintiff is described in the Summons as a major female born on the 13th of November 1998.
2. According to the Particulars of Claim a motor vehicle accident occurred on the 14th of May 2016 involving a motor vehicle where the Plaintiff was a passenger in ("the insured vehicle").
3. According to the Particulars of Claim the Plaintiff the accident occurred as a result of the sole and exclusive negligence of the driver of the insured vehicle.
4. Negligence and liability on the part of the Defendant has been conceded by the Defendant.
5. At the hearing of this matter the Plaintiff made an application in terms of Rule 38(2) that evidence of the Plaintiff's experts be presented not viva voce but on affidavit. Such application at the beginning of the arguments was granted. Such application also included various other documents such as school reports and payslips from Nedbank Limited.
6. According to the Particulars of Claim (as amended) the Plaintiff suffered a traumatic head injury with neuro physical, neuro psychiatric and neuro phycological sequelae. She also suffered a fracture of the right humerus.
7. She presented a report by Psychtech Solutions.

8. According to the report, the Plaintiff's mother is unemployed, she has a sister who is 14 years old and then she also has a son who at the date of the assessment was 1 year and nine months old.
9. It indicated that she lived with her partner who is the father of her son. The report does not elaborate whether the partner owes her a duty of support which on the probabilities he does as he is the father of the child.
10. At the date of the assessment she was unemployed.
11. According to the report the Plaintiff had right shoulder and upper arm injury as well as right hand injury.
12. According to the report the Plaintiff has soft tissue injury of the right hand with residual pain and with motor function which is subjectively weak.
13. Insofar the report by the Neurosurgeon Dr. P D Boungou-Poati is concerned the Plaintiff suffered at least a mild traumatic brain injury. Her complains are of headaches, poor memory, low mood and anxiety symptoms which can be classified as post-concussion syndrome.
14. In paragraph 8.3 of the Psychtech report (Case lines 08/35) the expert mentions the post accident functioning of the Plaintiff. The majority of the facts listed will have an impact on the general damages that the Plaintiff

may be able to claim but not necessarily have an effect on her future loss of earnings or earning potential.

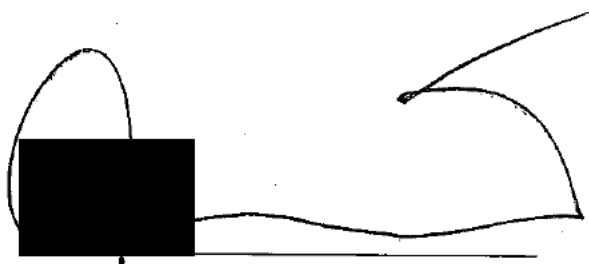
15. One of the symptoms is depression, however no input is provided as to whether this was a premorbid condition or whether it will have any effect on the Plaintiff's loss of future earning and earnings capacity.
16. The report further states that the Plaintiff struggled with memory difficulties which was evidenced by her failure to improve her grade 12 marks and to pursue a teaching qualification. Again, the author of the report does not elaborate on whether the Plaintiff would have had the same difficulty had the accident not occurred.
17. In paragraph 8.7 (Case lines 8-32) of the Psychtech report the prognosis of the Plaintiff is provided as guarded. From a psychological perspective the Plaintiff will benefit from ongoing psychotherapy conducted in a clinical psychologist and further managed by a psychiatrist.
18. The date of the Psychtech report was the 25th of March 2024.
19. The Plaintiff also utilised a report by psychiatrist Dr Leon Fine. It appears as if from his evaluation of the Plaintiff the majority of her symptoms were emotional. Again, this factor does not necessarily impede the Plaintiff's ability to find a job, it has an impact on her claim for general damages. According to his assessment the Plaintiff was presentable and stylishly

dressed with having a pleasant and outgoing personality and where she was capable of giving a reasonable account of herself.

20. Psychiatrically she presented with symptoms of post-traumatic stress disorder as well as accident-related depression both of which are now established in its chronic form secondary to her effects of injuries. The doctor concludes that she does not appear to require protection on psychiatric grounds for any large sum of money awarded but deference is given to Neuro Psychologic opinion.
21. The Plaintiff utilised a report by Dr Aloshta Naicker who is an educational psychologist.
22. She stressed that Plaintiff was left vulnerable as a result of the physical symptoms of her injuries which caused recurrent headaches and residual pains from her painful arc syndrome with restricted range of motion and subjective weakness of the right arm which impacted on her functional abilities. The highwater mark is that she is unable to resume prior functioning as she struggles to pick up heavy objects and exercise as she did prior to the accident.
23. In the report she concludes that the absence of any significant risk could have potentially influenced a negative educational outcome. These risks were limited education of her parents, the death of her father, low social economics factors as she was exposed to environmental disadvantage while she was growing up (Case lines 08-107).

24. She concludes that the Plaintiff has been rendered vulnerable as a result of the accident. It is according to her evident that the physical, emotional and cognitive sequelae of her injuries have undermined the Plaintiff's overall functioning.
25. The industrial psychologist Ms Nicolene Kotze is of the opinion if it was not for the accident the Plaintiff would have obtained post matric NQF5 certificate. However, this is not necessarily the case given the achievements of her extended family. This is one of the contingencies that has to be taken into consideration. She is also of the opinion that the Plaintiff would have worked until the age of 65.
26. The Plaintiff made use of a report of an actuary Mr G Whittaker of Algorithm Consultants and Actuaries. He postulated two scenarios, one if the Plaintiff entered the market with an NQF level 3, and with level 4. The latter amounts to speculation. He applied an injured contingency for past loss at 5% and future contingency of 35%. I am of the view that the contingencies should be adjusted considerably.
27. Taking into account the contingencies applicable for past loss of income. I am of the view that the sum of R356 524,00 is a reasonable amount to allow for past loss of income.
29. I am of the view the amount of R2 600 000,00 is a reasonable amount to allow for future loss of income and income potential.

30. I hand down an Order which will be marked Annexure "X".

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a long horizontal stroke. A black rectangular redaction box covers the middle portion of the signature.

DNH MOSTERT
ACTING JUDGE OF THE
HIGH COURT
JOHANNESBURG

This Judgment is handed down electronically by circulation to the Plaintiff's Legal Representative and the Defendant by email, publication on Case Lines. The date for the handing down is deemed 13 October 2025

Date of appearance: 4 September 2025

Date Judgment delivered: 13 October 2025

Appearances

For the Applicant: Adv N Makopo

Instructed by: Renee Fouche Attorneys

For the Respondent: Ms Moyo / Ms Booysens (RAF State Attorney)