IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case number: 6777/19

1. Reportable: **NO**
2. Of interest to other Judges: **NO**
3. Revised – **NO**

Date: **12/09/2025**

Signature:

Before the Honourable Justice Ncongwane, AJ

In the matter between:

C[...], R[...] obo L[...] K[...] Z[...]	**Plaintiff**
and	
THE ROAD ACCIDENT FUND	**Defendant**

Judgment

<u>Introduction</u>

[1] This is an application for default judgment pursued by L[...] K[...] Z[...], a minor child born, on the 24th October 2010 ("*the minor child*"). The minor child instituted a claim, assisted by his biological mother and a natural guardian, R[...] C[...] ("the *applicant*" or *"plaintiff"*), an adult female, born on the 30th September 1981, against the Road Accident Fund ("*the Fund*" or "*defendant"*) for injuries sustained by the minor, occasioned by a motor vehicle accident which occurred on the 3rd of January 2018 when he was a passenger. The minor child was at the time of the accident, eight (8) years of age. At present he is fifteen (15) years old.

[2] Summons against the Fund was issued on or about the 31st of January 2019 and served on the defendant on the 13th February 2019. The Fund filed its plea on the 12th of April 2019 but failed to comply with the order compelling discovery in terms of Rule 35 (1) resulting to its defence being struck on the 22nd of May 2024, by order granted by Potterill J.

[3] Subsequent thereto, plaintiff issued this application, for default judgment on the 4th June 2024. No response from the defendant after the notice of set down for the application was also served on the defendant, on the 16th April 2025. The application came before me on the 28th of July 2025 and stood down to the 1st of August 2025, when I heard the application.

[4] In the main action, the plaintiff claimed for liability on the merits, past and future medical expenses, general damages, as well as loss of earnings.

[5] An offer for general damages in the amount of R 600 000.00 (Six Hundred Thousand) and a section 17 (4)(a) Undertaking was accepted on the 8th of November 2019. The claim for medical costs in the amount of R 50 000.00 (Fifty Thousand Rand) was abandoned. The matter came before me for determination on the issue of the plaintiff's claim for loss of earnings. I reserved judgment which I now deliver.

[6] In the particulars of claim, plaintiff alleges that the minor child sustained a mild traumatic brain injury (subdural haemorrhage) when he was conveyed as a

passenger in the motor vehicle involved in an accident and this is also confirmed in the RAF 4 serious injury assessment report compiled by Dr MP Seroto with full description of the injuries and the reasons set out in the report.

<u>Application in terms of Rule 38 (2)</u>

[7] Plaintiff applied for evidence to be presented by a way of affidavit as contemplated by section 34 (2) of the Civil Proceedings Evidence Act 25 of 1965, read with Uniform Rule 38 (2), since the defendant's defence was struck. In the exercise of my discretion I granted the application in respect of quantum and partially granted the application for the merits, due to reasons that the minor child's name does not appear as a passenger on the accident report. I ordered that oral evidence on the merits be tendered to enable the court to establish if the plaintiff's alleged injuries were causally connected to the accident.

<u>Merits</u>

[8] It appears that the issue of merits has indirectly been disposed of, as it was submitted on behalf of the plaintiff that the defendant admitted its liability when it settled the general damages and made a S. 17 (4)(a) Undertaking. As pointed out above, and despite the inexorable fact that the plaintiff's version on the merits is uncontested, and manifestly settled, the omission of the minor child's name in the police report requires me to receive oral evidence on the issue.

<u>Section 19f affidavit</u>

[9] According to the plaintiff,[1]:

> *"On or about the 3rd of January 2018 at or near Phokwane R579, Limpopo Province at approximately 06:19, her minor son was a passenger in a motor vehicle with Registration letters and numbers: B[...] which was there and then driven by one Mr Daniel Mokgomogane when suddenly the driver of a Motor*

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[1] Caseline, bundle 072.7,pp 107-108.

Vehicle with registration letters and numbers: X[...] came into the lane of the motor vehicle in which her minor son was conveyed in and collided with it (sec). As a result of this collision, her minor son's sustained severe bodily injuries and was taken to Polokwane Medi-Clinic and 1st Glen Cowie Hospital then later transferred to Nedcare Akacia for treatment."

The driver of one of the vehicles involved in the accident, Mr Daniel Mokgomogane testified on behalf of the plaintiff. His evidence is that, the minor child was a passenger in the vehicle driven by him. It was in the morning of 3rd of January 2018. He drove his vehicle, a Toyota Hilux bakkie with Registration numbers and letters B[...] (vehicle B in the accident report) and they were travelling from Nebo to Polokwane. He had six passengers.

Four of the passengers and the minor child were conveyed on the rear of the bakkie, and one passenger was with the driver on the front seat. Whilst driving along R579 (main road) and approaching a place known as Phokwane, another vehicle (vehicle C in the accident report) approached from the side to join the main road at the yield sign.

Vehicle C cut in front of the insured driver's vehicle and Mr Mokgomogane swerved from the left lane to the right lane and he overtook vehicle C.

Subsequent to moving to the right lane, a third vehicle (vehicle A) with registration numbers and letters: X[...] emerged from the opposite direction and on its correct lane. Mr Mokgomogane had already passed vehicle C and he swerved to the left to move back to the correct lane for his vehicle. Vehicle A also moved to his lane of travel, and the accident occurred and vehicle A collided with right hand side of his vehicle in the middle of the road. He stopped, alighted and noticed that his vehicle had lost its canopy due to the accident. He noticed that the passengers who were sitting at the rear of the bakkie, had suffered severe injuries. These passengers included the minor child, his wife, his daughter and another passenger. The paramedics came and all those injured were transported to St Ritas Hospital, in Glen Cowie.

Plaintiff needed only to prove a proverbial 1% negligence against any of the drivers of either vehicle A or vehicle B.

I am satisfied that the plaintiff has proven that the minor child is entitled to 100% of his agreed or proven damages.

[10] The issue of contributory negligence on the side of the minor child does not arise and no evidence in that regard has been placed before me.[2]

Quantum

Injuries and sequelae.

[11] It is required of the plaintiff to show the cause and connection between the injuries and the sequelae and the plaintiff"s inability to function and be as economically active as he would have been *pre-morbidly*.

[12] In support of the minor child's claim in the main action, plaintiff relies on the following experts' reports:

[12.1] Clinical Psychologist- Dr M. Maepa;
[12.2] Neurosurgeon - Dr M.P. Seroto;
[12.3] Educational Psychologist - N. Rajuili;
[12.4] Occupational Therapist - P. Khunou-Morake;
[12.5] Industrial Psychologist - Moipone Kheswa;
[12.6] Actuary Scientist - Namir Waisberg

[13] The Clinical Psychologist, Neuropsychological report [3] : The Neuropsychological assessment was carried out to determine the nature and extent

[2] See: **Ntsala and Others vs Mutual and Federal Insurance Co Ltd** 1996 (2) SA 184 (T) 190.

[3] See: Caseline: Bundle 07.1, pp 5 - 24.

of the neuropsychological sequelae secondary to the motor vehicle accident. The following is stated by Dr Maepa:

> [13.1] The assessment further seeks to determine how any cognitive, emotional, and behavioural impairments post the accident may have impacted his current functioning and future personal roles, social and occupational functioning. He deals with the current complaints obtained from the plaintiff's mother. That he complains of headaches, he has got teary eyes, turns to self-isolate, is easily irritable, tires easily, not motivated to work, his school performance is poor. His teacher noted that he keeps to himself, does not have friends, is quiet and observed, that he is prone to mood swings, seldoms participates in group activities, often appears anxious, easily becomes frustrated resulting in him not completing his class tasks. His attention span is poor, does not have interest in any school related activities, academic performance has gradually declined since the accident.
>
> [13.2] His developmental milestones was normal and family background is healthy.

[14] Dr Maepa addresses the before and after scenario with respect to his school history, medical and psychiatrist history, interpersonal history, mood and behavioural changes, and activities of daily life. Before the accident, he was in Grade 1 and was a normally functioning child with no personal or family history of mental illness. After the accident, he often complains of headaches, it is exacerbated when running, his eyes become teary and he tires easily. He is slow and struggling with attention. He has become socially withdrawn, doesn't have friends and does not participate in extramural activities.

[15] Mood and behavioural changes: emotional difficulties, short tempered, not motivated about school, experiences nightmares, prone to mood swings, find himself frustrated in class.

[16] Behavioural observation, is able to follow instructions, attention and concentration was fair, he was cooperative and motivated to carry out all tasks, mood was euthymic with appropriate effect, and/or to all swears.

[17] The assessments results revealed that the minor child presented with moderate neurocognitive sequelae. After the accident he was found to have a variable attention concentration levels, a poor mental control, mental tracking and manipulation. He had variable but mainly poor processing speed, sequencing, and visual perception. He had a variable poor memory, learning abilities, poor visual visual-motor construction, organisation and perceptual abilities.

[18] She found that these results are consistent with his diagnosis of head injury, with information obtained from his class teacher and additionally reveals moderate symptoms of depression, moderate symptoms of anxiety and moderate symptoms of post-traumatic stress disorder.

[19] As a result, his academic performance is affected. He is emotionally challenged perpetually and this will continue to negatively impact his social academic and interpersonal function. His cognitive decline comprise and limit his ability to acquire skills needed to confidently join the job market as an adult. He found existing limitations in his career prospects which are likely to render him a financially dependent adult.

[20] Dr Maepa concluded that the motor vehicle accident, which resulted in a traumatic brain injury, manifested in the neurocognitive, and neurophysical impairment, and neurobehavioral sequelae. He suffered long-term loss of functioning and long-term mental and behaviour disturbances.

[21] The neurosurgeon, Dr Seroto points out that although the CT scan rule out intracranial hematoma, cerebral edema or a skull fracture, "*it is essential to recognise that a normal imaging scan does not exclude the possibility of micro structural brain injuries such as axonal injury (scattered lesions over a widespread area)*". He predicts that "*Additionally, secondary brain injuries - such as delayed hematoma, seizures, and cerebral edema - may develop following the initial scan*".

He confirmed a mild traumatic brain injury due to the direct impact to the head, the chronic symptoms of daily headaches and memory impairment and his loss of consciousness.

[22] In his updated report, he calculated an 18% whole person impairment and according to his prognosis, the post-concussion headaches as 20% chance of being permanent and during migraine attacks he states that 75% of patients or victims have a reduced ability to function and as such new or worsening neurocognitive and psychosocial sequelae may occur at the later stage.

[23] The Educational Psychologist reports that both the parents of the plaintiff highest academic qualifications is a Degree in engineering respectively. Invariably, children turn to improve on their parents' qualifications. From the tests administered, the educational test: in discipline, reading, spelling, and mathematics, the outcome showed an inadequately developed and scoring far below his age.

[24] She concluded that a research suggests that many students who sustain brain injuries, similar to the plaintiff, have resulting specific learning disabilities. The type and severity of the disability depends on the seriousness of the injury and the part of the brain affected. I agree with this outcome. Students with brain injuries, according to him, may also exhibit personality and mood changes and may experience mental health difficulties such as anxiety and depression. In cases of concussion/mild traumatic brain injury, patients can experience visual or memory impairments, fatigue, confusion, attention difficulties, headaches, mood changes, and other effects that may even go undiagnosed or untreated. And he finally opined that from the information gathered, it is his opinion that plaintiff will be able to achieve at least NQF level 4. "*One must take into consideration that his choice of career is limited due to the injuries sustained in this accident and he will also struggle to perform on the same level as his peers*".

[25] Since the minor child has no Orthopaedic injuries therefore the report filed by the Occupational Therapist does not make much material contribution to the plaintiff's case. The Occupational Therapist states that she had access to all the other reports except the Industrial Psychologist report. She opined that the plaintiff

would be able to cope with medium and heavy manual labour in future when he enters the open labour marked and is expected to complete Grade 12 with extra classes and support at school and at home. No basis is laid as to what informs her opinion.

[26] The Industrial Psychologist makes the following findings in her report:

> *"L[...] was involved in a motor vehicle accident in which he suffered injuries that placed a restriction in his academic capabilities, which had and will still have a negative effect on his future employability and earning potential.*
> *The appointed experts' findings have revealed a deleterious effect of the accident on L[...]'s cognitive, psychological and physical difficulties that will negatively influence his academic achievements or educability. Educational achievements are known to have a direct influence on the type of jobs an individual can perform. On the other hand, cognitive challenges adversely affect the ability to maintain constructive work and interpersonal relationships that are critical to productive teamwork.*
> *Based on the experts' opinions above, this accident in question has rendered L[...] a vulnerable individual both academically and occupationally and it is unlikely that he will be able to reach his pre-accident earning potential. The gist of the findings is that he experiences headaches, cognitive and psychological challenges due to this accident. All of the above- mentioned challenges will impact negatively on his employment potential. "*

[27] It cannot be doubted that the sequelae of the minor child from the accident have resulted in significant losses of amenities, independence, and enjoyment of life. The Neurosurgeon has made recommendation for future headache treatment, and psychotherapy. The Clinical Psychologist recommends psychotherapeutic sessions. The overall description of the claimant's residual functional status as well as quantification of the ongoing impairments and assessments of the various aspects of disability are reflected in the findings of the experts in the disciplines mentioned above.

Loss of earnings (Actuarial calculations)

[28] The accident has had the following impact on the minor's earnings:

[28.1] Future loss of earnings; his future loss of earnings is calculated as per difference between his pre-accident postulated earnings potential and his post-accident postulated earnings potential.

[28.2] Furthermore, noting all the available information, it was submitted on behalf minor child that his post-accident career is one which is likely to be categorised by restrictions, pain and discomfort. It is noted from the Occupational Therapist's report who refers to Mr Glover's report, the Clinical Psychologist, who opines that the minor child presented with cognitive and emotional or psychological fallouts which will have a deleterious effect on his ability to function in the open labour market. His quality of life and emotional well-being is likely to be adversely affected. It is expected that he will have difficulty to compete in the labour market and it is necessary that the risks involved should be dealt with by way of a higher than a normal post-accident contingencies. The Educational Psychologist remarks that it is too early to predict how the minor child will go with his schooling post the accident. The Industrial Psychologist, Moipone Kheswa's opinion, indicates that given that the accident has occurred, the minor child should still be able to continue working until the retirement age of 65 years.

[29] The basis for the actuarial calculations is set out mainly based on the Industrial Psychologist's report which provides for a summary of all the experts' reports in that:

[29.1] The age of retirement is 65 years in both pre and post-morbid scenario;
[29.2] The period of future loss of earnings of the minor is 43.81 years i.e from the age of 22 to 65;
[29.3] Longterm CPI is expected to be 5%;

[29.4] A reference to categories of contingencies ranging from significantly higher with a difference of 50%[4]

[29.5] Substantially higher with a differential of 35%;[5]

[29.6] A Slightly higher with a differential of 15%[6]

[30] The Actuarial calculations are therefore made on assumption that is reflected in the following:

[30.1] Uninjured earnings:

- at the time of the accident the minor child was in Grade 2 and it is assumed he would have completed Grade 12 by the end of the year 2028.
- it is assumed that he would have completed his Degree by the end of 2031.
- it is assumed that he would have secured an internship by January 2032 earning R 161 000.00 per annum which equals to R 13 000.00 per month, increasing to R 284 000.00 per annum (on a basis of a Lower Quartile of Paterson 85 Basic Package as per Robert Koch 2025).
- He would have received increases until reaching a level of R1 570.000.00 per annum (on a Upper Quartile of Paterson D2 Total Package as per Robert Koch 2025) by the age of 45).

[30.2] Injured earnings:

- the injured earnings informed by a possibility to complete Grade 12, assumed that he will secure employment by July 2031 earning R 40 700.00 per annum (Lower Quartile of semi-skilled workers as per Robert Koch 2025), increased with inflation growth.
- it is noted that the minor child would have probably obtained a Degree certificate NQF level 7 pre accident and would have been able to enter

[4] See: **De Bryn vs RAF GD, case number:11976/201**

[5] **Anthony M v RAF, case 27454/2013.**

[6] **Frank L v RAF, case 59228/2009.**

the labour market as a skilled worker. With the NQF level 6 education, he would probably enter the market as a semi- skilled worker. His post-cognitive functioning shows a significant decline as compared to his pre-cognitive functioning.

- Counsel for the plaintiff contends that with the contingencies and with earning Loss of Limits being applied, the calculation as per the Actuarial equals approximately an amount of R 11 000 000.00 which is argued, represents the total amount of the claim. In this regard, an amendment in the plaintiff's summons was effected to reflect the amount of the claim.

<u>Actuarial calculations</u>

[31] Having regard to the experts reports filed and served upon the defendant, the plaintiff's services of an Actuary - Namir Waisberg, in quantifying the aspect of loss of earnings under the influence of the Industrial Psychologist report. The Actuary permitting for earnings inflation until age 65 as pointed out above.

[32] The Actuary has addressed the loss of earnings of the minor and I was referred to the Actuarial calculation which outlays the minor's loss of income, which has been depicted as follows:

Scenario 1.1.: 10% Contingency Spread

Future Loss of Earnings	**But for the Accident**	**Having regard To the Accident**	**Total**
Gross Accrued value of earnings	R 19,221,483	R 1060.897	
Less Contingency (15%/25%)	R 2,883,222	R 265,224	
Total Future of Loss of Earnings	R 16,338,261	R 795.673	R 15,542,588
Total Value of Loss	**R 16,338,261**	**R 795,673**	**R**

of Earnings			**15,542,588**

Total Value of Loss of Earnings Before Cap **Cap Deduction** **Total Value of Loss of Earnings After Cap**	**R 15,542,588** **R 4,583,162** **R 10,959,426**

Scenario 1.2: 15% Contingency Spread

Future Loss of Earnings	**But for the Accident**	**Having regard to the Accident**	**Total**
Gross Accrued value of earnings	R 19,221,483	R 1,060,897	
Less Contingency (15%/30%)	R 2,883,222	R 318,269	
Total Future of Loss of Earnings	R 16,338,261	R 742,628	R 15,595,633
Total Value of Loss of Earnings	**R 16,338,261**	**R 742,628**	**R 15,595,633**
Total Value of Loss of Earnings Before Cap **Cap Deduction** **Total Value of Loss of Earnings After Cap**			**R 15,595,633** **R 4,624,775** **R 10,970,858**

<u>Contingencies</u>

[33] It is trite that contingency deductions are within the discretion of the court and depends upon the judge's impression of the case. Contingencies are normally calculated at 5% for past loss and 15% for future loss.[7] As summed up by Hughes J, and approaching contingencies, in the case of **Ndinisa v Road Accident Fund** "*the*

[7] **Southern Insurance Association v Belly NO 1984 (1) SA 98A at 113G.**

determination of contingency allowances involve the process of subjective impression estimation rather than objective calculation, in other words, allowance on which judicial opinion vary appreciably".[8]

[34] It is enunciated by Robert J. Koch in his "*the quantum year book*" that there are no fixed rules as regards general contingencies and he specifically states "*sliding scale:½% per year to retirement age, i.e 25% for a child, 20% for a youth and 10% in middle age*. "[9]

[35] **Mocumie J, in KK Machumolotsa v Road Accident Fund**, states:

> *"Contingency deductions allow for the possibility that the plaintiff may have less than normal expectations of life and that she may experience periods of unemployment by reason of incapacity due to illness, accident or labour unrest or even general economic conditions.* (See: **Van Der Pllats v South African *Mutual Fire Insurance Company 1980 (3) SA 105 (A) at 114 - 115).*** *The underlying rationale is that contingencies allow for general hazards of life such as periods of general unemployment, possible loss of earnings due to illness, savings in relation to travel to and from work. Now that the accident has somewhat incapacitated or impairs him as well as the risk offuture retrenchment. The general vicissitudes of life are taken into consideration when contingencies are considered. Both favourable and adverse contingencies must be taken into account.[10]"*

[36] Having gleaned through the experts reports, it has become apparent that the minor has suffered impairment of earning power or loss of earning capacity. On the strength of inter alia, the Industrial Psychologist, Educational Psychologist and Neurosurgeon's findings, the minor's educability has also been negatively affected.

[37] I am satisfied that an implementation of the higher than normal contingencies has to be applied which will have the effect that 20% is directed to uninjured

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[8] **Ndinisa v Road Accident Fund (55792/12) [2014] ZAGPPHC 409 (23 May 2014).**
[9] Robert J. Koch, "*The quantum year book*"
[10] **KK Mochumolotsa v Road Accident Fund (2013) ZAFSHC /2013/7.**

earnings, whilst on the other hand, 25% (injured earnings) on future loss of earnings. The differentiation takes into account both the opinions of the Industrial Psychologist and Occupational Therapist as contained in their respective reports.

Future Loss of Earnings	**But for the Accident**	**Having regard to the Accident**	**Total**
Gross Accrued value of ear	R 19,221,483	R 1,060,897	
Less Contingency (20%/25%)	R 3,844,296	R 265,224	
Total Future of Loss of Earnings	R 15,377,187	R 795,673	R 14,581,514
Total Value of Loss of Earnings	**R 15,377,187**	**R 795,673**	**R 14,581,514**
Total Value of Loss of Earnings Before Cap Cap Deduction Total Value of Loss of Earnings After Cap			**R 14,581,514 R 5,760,000 R 8,821,514**

[38] The contingencies can be construed as a fair and reasonable to benefit the minor's claim on the loss of income, resulting to an amount of the actual loss for minor's claim in the total sum of R 14 581 514.00 for future loss of income.

[39] The statutory cap introduced by section 17 (4)(c) of the Road Accident Fund read with the Board Notice 176 of 2017, is determined by the Actuary to reflect a loss incurred per year to be limited to an amount R263 900.00. The loss per year therefore exceeds the statutory cap and the Actuarial report indicates that it has been applied for the years between 2038 to 2074. This approach is supported by RAF v Sweatman (162/2014)[2015] 22 (20 March 2025). With the cap deduction on the discounted loss of earnings will therefore be in the sum of R5 760.000.00 (Five Million Seven Hundred and Sixty Thousand Rands). The cap deduction for the years and the scenarios applied by the Actuary gives a sum of R 8 821 514.00 (Eight

Million Eight Hundred and Twenty One Thousand Five Hundred and Fourteen Rands) illustrating a total loss of earnings by the minor child.

<u>Order</u>

[40] In the premise, I make an order in the terms prayed for by the plaintiff as set out in the draft handed up and marked "X", as amended, and affixed hereto.

NCONGWANE AJ

Acting Judge of the High Court

Gauteng Division Pretoria

Date of Hearing: 01 August 2025

Date of Judgment: 12 September 2025

Representation:

Counsel for Plaintiff: Adv C Badenhorst
advcasper@gmail.corn

Attorneys for the Plaintiff: Chauke J Attorneys Inc
012 546 6578
info@chaukejattorneys.co.za

Attorneys for the Defendant: No appearance

Counsel for the Defendant: No appearance

“X”

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case number: 6777/19

Held at Pretoria on 01 August 2025 before His Lordship Mr Justice Ncongwane, AJ in Court 2G at 12:00:

In the matter between:

C[...] R[...] obo L[...] K[...] Z[...] **Plaintiff**

and

THE ROAD ACCIDENT FUND **Defendant**
Link number: 4[…]

This order is made an order of court by the judge whose name is reflected hereon, duly stamped by the Registrar of Court and is submitted electronically to the parties or their legal representatives by e-email. This order is further uploaded to the electronic file of this matter on case lines by the judge or his/her secretary/registrar. The date of this order is deemed to be 12 September 2025.

ORDER

Having heard counsel for the plaintiff and having read the papers filed of record, it is ordered that:

1. The defendant is ordered to pay to the plaintiff as damages and within 180 calendar days, calculated from 28 July 2025 as follows:

1.1 Rule 38(2) application granted.

1.2 Merits - conceded 100% in favour of the plaintiff.

1.3 Future medical expenses: section 17(4)(a) Undertaking.

1.4 Loss of earnings: R 8,821,514.00.

(Eight Million Eight Hundred and Twenty One Thousand Five Hundred and Fourteen Rands)

2. If the defendant does not pay the judgment amount or any portion hereof despite the aforesaid 180 calendar days, interest will accrue on the capital amount outstanding.

3. The defendant to pay the plaintiffs agreed or taxed party and party costs on a High Court scale within 180 days of settlement of the costs.

4. The fees of plaintiff's counsel to include drafting of heads of argument and counsel's appearance fee on scale B.

5. In respect of the plaintiff's experts the following reasonable taxable costs, fees, disbursements and expenses:

(a) The preparation costs for the report of Dr M.P. Seroto, a Specialist Neurosurgeon;

(b) The preparation costs for the report of Dr Mokoena Maepa, a Clinical Psychologist;

(c) The preparation costs for the report of Mr Zenzele Kubheka, an Educational Psychologist;

(d) The preparation costs for the report of Mrs Poppy Khunou-Morake, an Occupational Therapist;

(e) The preparation costs for the report of Mrs Moipone Kheswa, an Industrial Psychologist;

(f) The preparation costs for the report of Mr Namir Waisberg, an Actuarial Scientist.

(g) The costs of and incurred by the plaintiff to procure all experts reports and assessments, including any follow up and addendum reports and assessments if any;

(h) The costs of all diagnostic imaging, tests and any special investigations obtained at the instruction of the experts and reports thereon;

(i) The costs of the necessary consultations by plaintiff's legal representatives with the plaintiff's experts (if any).

6. All payments of the plaintiff's capital and legal costs are to be made by paying the amount(s) and taxed or agreed costs to the credit of the trust account of Chauke J. Attorneys Incorporated, the detail of which is as follows:

CHAUKE J ATTORNEYS INCORPORATED
ACCOUNT HOLDER: CHAUKE J ATTORNEYS
BANKING INSTITUTION: FIRST NATIONAL BANK
ACCOUNT NUMBER: 6[…]
BRANCH CODE:250345
REFERENCE NUMBER: C[...]/C105/AA

7. In the event of the parties not being able to agree on the amount of the legal costs payable by the defendant, the plaintiff shall serve a notice of taxation on the defendant, and shall allow the defendant 180 calendar days to make payment of the costs so taxed.

8. If the defendant falls in mora to pay the plaintiff's taxed or agreed to legal costs the defendant will pay interest on any such outstanding costs to be calculated on the outstanding amount at the statutorily prescribed mora rate of interest applicable from time to time to be calculated from the date of allocator or settlement of the costs to date of final payment.

9. It is noted that the plaintiff's claim is subject to a contingency fee agreement.

By order of the Court

Registrar of the High Court
Pretoria

Date of Hearing: 01 August 2025

Date of Judgment: 12 September 2025

Representation:

Counsel for Plaintiff:	Adv C Badenhorst advcasper@gmail.com
Attorneys for the Plaintiff:	Chauke J Attorneys Inc 012 546 6578 info@chaukejattorneys.co.za

Attorneys for the Defendant: No appearance

Counsel for the Defendant: No appearance