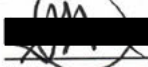




**IN THE HIGH COURT OF SOUTH AFRICA,
GAUTENG DIVISION, JOHANNESBURG**

Case Number: 2024-083242

(1)	REPORTABLE: YES / NO
(2)	OF INTEREST TO OTHER JUDGES: YES/NO
(3)	REVISED: YES/NO
6/11/2025	
DATE	SIGNATURE

SANDILE VINCENT ZONDO

Plaintiff

and

MINISTER OF POLICE

Defendant

Delivered: This judgment was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to the Parties /their legal representatives by email and by uploading it to the electronic file of this matter on Case Lines. The date for hand-down is deemed to be the 6 November 2025

JUDGMENT

MAKAMU, J

Introduction

- [1] This matter concerns the determination of quantum of damages in a delictual claim for personal injury. The plaintiff instituted an action against the defendant for damages suffered as a result of being shot by a member of the South African Police Service. The defendant did not defend the action, and the judgment was granted by default. I then reserved the judgment on part B of the claim, which is the quantum.

- [2] On the merits, this court found in favour of the plaintiff, holding that the defendant was liable for 100% of the plaintiff's proven, as the defendant did not defend the action. The matter now serves before me for the determination of the quantum of damages, specifically under the head of general damages for pain and suffering, shock, discomfort, and loss of amenities of life.
- [3] The plaintiff, in his particulars of claim, quantified his claim for general damages at the amount of R4 000 000.00 (Four Million Rand). Counsel for the plaintiff, in his able argument, urged the court to grant an award in the amount of R6 000 000.00 (Six Million Rand), contending that the injury and its sequelae justify such a substantial award. The plaintiff in his letter of demand to the defendant claimed an amount of R8 000 000.00 (Eight Million Rand).

Factual background

- [4] The factual matrix pertaining to the plaintiff's injury is largely common cause. The plaintiff sustained a single gunshot wound to the right shoulder blade. He was admitted overnight and discharged the following day. The wound was treated and has since healed. Critically, there is no medical evidence before this court indicating any permanent disability or long-term functional impairment resulting from this injury. The medical report, which stands uncontroverted, confirms that the healing was satisfactory and that the plaintiff has a full range of motion in his shoulder.
- [5] I need to mention that this was an application for default judgment since the defendant did not defend the action. However, I have some misgivings regarding the service of the processes leading to this proceedings, as the attorney served the documents on his own to the parties and did not use the Sheriff of the court.
- [6] The shooting took place when some suspected robbers came to the butchery and fired some shots, and the police arrived and exchanged fire with the alleged robbers. The plaintiff was shot in the process. It is not very clear whether the shot was from the police or robbers, but the plaintiff chose the softer target, the police, as they do have a purse. These are only speculations as the defendant did not defend the action.

The Law

- [7] The assessment of general damages is, by its nature, a discretionary and somewhat

imprecise exercise. The court must have regard to previous awards made in comparable cases, whilst recognising that no two cases are entirely identical. The overarching principle is that of fair compensation, not enrichment.

- [8] In *Economic Freedom Fighters and Others v Manuel*¹, the court detailed the difficulties of claims for unliquidated damages — which, by their nature, involve a determination by the court of an amount that is just and reasonable — brought through motion proceedings.
- [9] In *Jack v Minister of Police and Another*², the plaintiff was struck in her right eye by a rubber bullet fired by members of the SAPS. Her claim comprised of past and future medical expenses, future and non-legal expenses, past loss of income, future loss of income and general damages. The defendant was found 100% liable for the plaintiff's proven damages. The court awarded R500 000.00 for general damages; R18 000.00 for loss of earnings; R1 380 000.00 for future medical and related expenses, together she was awarded R2 205 567.00
- [10] In *Sitimela v Mphara and Another*³, the court ordered the defendant to pay R430 000.00 for general damages and R273 000.00 for future medical expenses to be incurred as a result of unlawful shooting.

Analysis

- [11] I have considered the submissions of the plaintiff's counsel and the case law to which he referred. While I accept that the experience of being shot is profoundly traumatic and that the plaintiff undoubtedly endured significant pain, shock, and discomfort during the initial injury and the healing process, the amount of R6 000 000.00 is, in my view, wholly disproportionate and excessive when measured against the objective medical evidence.
- [12] In *Bapela and Another v Minister of Police*⁴ [2013] ZAGPHC 256 (16 October 2013), the plaintiff was awarded R150 000.00 for general damages, R1 935.79 for past medical expenses and R135 000.00 for future medical expenses.

¹ 2021 (3) SA 425 (SCA).

² [2025] ZANWHC 111 (02 July 2025).

³ [2024] ZAGPHC 240 (29 February 2024).

⁴ [2013] ZAGPHC 256 (16 October 2013).

[13] Awards for general damages in our courts, even for serious but non-disabling injuries, do not typically approach this magnitude. To grant such an award for an injury that has healed without permanent sequelae would be to lose sight of the scale of compensation and create an untenable precedent. Our law requires a reasonable correlation between the injury sustained and the compensation awarded. I have not lost sight of the fact that it was one shot, and the bullet lodged in his shoulder and cannot be removed, as it is risky to do so.

Conclusion

[14] Having considered comparable authorities for soft-tissue injuries with full recovery, and giving due weight to the undoubted trauma of the shooting incident itself, I am of the view that a fair and reasonable amount, which would sufficiently compensate the plaintiff for his pain, suffering, and loss of amenities, is the sum of R250 000.00 (Two Hundred and Fifty Thousand Rand).

Order

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

1. The defendant is ordered to pay to the plaintiff the amount of R250 000.00 (Two Hundred and Fifty Thousand Rand) in respect of general damages.
2. The defendant is ordered to pay the plaintiff's costs of suit on the quantum, such costs to include the costs of counsel.



MS MAKAMU
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, JOHANNESBURG

Date of Hearing: 2 October 2025

Date of Judgment: 6 November 2025

For the Plaintiff: SP Zungu instructed by VS Mosehla Inc.

For the Defendant: No appearance