



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

CASE NO. 2024/015364

DELETE WHICHEVER IS NOT APPLICABLE	
(1)	REPORTABLE: YES /NO
(2)	OF INTEREST TO OTHERS JUDGES: YES /NO
(3)	REVISED
05/01/2026	
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In the matter between:

TERENCE MATSHIKIRI

Plaintiff

and

ROAD ACCIDENT FUND

Defendant

JUDGMENT

BHOOLA AJ,

Introduction

[1] This is an application for default judgment, where the plaintiff, Mr Terence Matshikiri, institutes action against the Road Accident Fund ("RAF") seeking damages

arising from a motor vehicle collision that allegedly occurred on 20 April 2022 along Bickley Street, Meadowlands, Gauteng.

[2] The plaintiff's claim rested both on the quantum and damages.

Factual background

[3] The section 19(f) affidavit is not properly commissioned in terms of the Act and regulations.

[4] The section 19(f) affidavit appears to be certified rather than commissioned. Such a document does not constitute an affidavit as required by the Act and regulations.

[5] The accident report (AR) was completed two months after the collision, with no explanation for the delay and contains missing information.

[6] The hospital records exist from 21 April 2022, and not the 20 April 2022, which was the date of the collision. It is not presented in chronological order and were difficult to navigate in a chronological manner. While the existence of contemporaneous records strengthens causation, the disordered presentation renders the evidentiary package confusing. The plaintiff bears the duty to ensure that medical records are properly indexed and paginated¹.

¹ Mokwena v RAF [2019] ZAGPHC 112

[7] Paragraph 9.3 of the particulars of claim is contradictory when measured against the evidence before the court.

Legal Principles

[8] It is trite that default judgment is not automatic. The court must be satisfied that the claim is properly pleaded, procedurally compliant, and supported by admissible evidence.²

[9] Relief cannot be granted where statutory prerequisites are not met. A defective section 19(f) affidavit renders the claim invalidly lodged.³

[10] Damages cannot be considered in the absence of proof of liability and causation.⁴ The plaintiff bears the onus of establishing both on a balance of probabilities.

[11] Where pleadings are contradictory or uncertain, the court is not empowered to grant judgment on speculative or unclear claims. The plaintiff bears the duty to ensure that the papers are coherent and that the relief sought is properly formulated.

Issues

[12] The following are the issues in this matter:

² Moolman v Estate Moolman 1927 CPA 27, RAF v Duma 2013(6) SA 9 (SCA)

³ Regulation 24(5) of The Road Accident Act, 56 of 1996, as amended.

⁴ Minister of Safety and Security v Van Duivenboden [2002(6) SA 43] (SCA)

12.1 Whether the claim has been validly lodged in terms of section 19(f).

12.2 Whether the evidentiary record is sufficient to establish liability and causation.

12.3 Whether the matter is ripe for hearing or should be postponed.

Evaluation

[13] In the present case, the lodgement documents and pleadings contain contradictions and procedural defects as alluded to above. On the papers presently, before me, the evidentiary record is insufficient to enable the court to determine liability and causation. The matter is accordingly not ripe for hearing. The defects identified are capable of being cured, and the matter may be re-enrolled once the record is regularised.

Order

[14] In the result, I make the following order:

14.1. The application for default judgment is postponed *sine die*.

14.2 The plaintiff is directed to file a properly commissioned section 19(f) affidavit in compliance with the Act and regulations.

14.3 The plaintiff is granted leave to file an affidavit explaining the discrepancies regarding the hospitals attended by the plaintiff as reflected in the RAF1 form, the particulars of claim, and the section 19(f) affidavit.

14.4 The plaintiff is granted leave to amend any pleadings as may be necessary.

14.5 The plaintiff is directed to properly index and present the medical records in chronological order before the matter is re- enrolled, accompanied by an affidavit explaining the chronology of medical treatment.

14.6. The plaintiff is granted leave to file an affidavit explaining why the accident report was delayed and incomplete.

14.7. The plaintiff is directed to file heads of arguments addressing the merits and quantum after attending to the directions of court.

14.8. The plaintiff is granted leave to re-enrol the matter for consideration of default judgment once the directions of the court have been complied with.

14.9. The costs are cost in the cause.



CB. BHOOLA
JUDGE OF THE HIGH COURT
GAUTENG LOCAL DIVISION, JOHANNESBURG

Delivered: This judgment was prepared and authored by the Judge whose name is reflected on 05 January 2026 and is handed down electronically by circulation to the parties/their legal representatives by e mail and by uploading it to the electronic file of this matter on CaseLines. The date for hand-down is deemed to be 05 January 2026.

APPEARANCES

Date of hearing: 21 October 2025

Date of judgment: 05 January 2026

For the plaintiff: Adv. M Patel

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