



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

CASE NO: 059165/24

DELETE WHICHEVER IS NOT APPLICABLE

- (1) REPORTABLE: ~~YES~~/NO
(2) OF INTEREST TO OTHERS JUDGES: ~~YES~~/NO
(3) REVISED

09/01/2026

In the matter between:

NALEDI PATIENCE BALOYI

Plaintiff

and

ROAD ACCIDENT FUND

Defendant

JUDGMENT

BHOOLA AJ,

Introduction

Introduction

[1] The plaintiff, Ms Naledi Patience Baloyi, institutes action against the Road Accident Fund (“RAF”) seeking damages arising from a motor vehicle collision which

occurred on 4 April 2021 near Gonono Road, Giyani, Limpopo Province. At the time of the collision, the plaintiff was a passenger in the motor vehicle.

[2] The plaintiff's claim rests both on liability and quantum relating to loss of earnings and an undertaking in terms of section 17(4)(a) for future medical expenses. The plaintiff bears the onus of proving the negligence of the insured driver on a balance of probabilities before considering the quantum.

Factual background

[3] Upon careful consideration of the record, material and unexplained discrepancies became apparent in the documentary evidence relied upon in support of the claim.

[4] These discrepancies include amongst other things:

4.1 differing times in the report (AR) as to when the accident occurred in relation to the time that the AR was completed.

4.2 conflicting dates times relating to admission on the medical records and the reporting and registration of the accident.

4.3 alterations to recorded numbers on the AR without initials or an explanation.

4.4 uncertainty as to contemporaneous reporting of the accident to SAPS, and

4.5 the uncertainty of when the accident actually occurred as the AR, medical records and section 19(f) reflect one date and all other agreements as

well as all other expert reports reflect a different date as to when the motor collision occurred.

[5] The inconsistencies go to the reliability and coherence of the documentary foundation of the plaintiff's case and, in particular, to whether all the documents relied upon relate to one and the same collision. The court is required to determine liability on evidence. In the absence of a sworn explanation addressing these discrepancies, the court is unable to make a safe factual finding as to when and at what time the accident occurred or whether the experts are referring to the same accident as the one reflected in the AR report.

Issue for determination

[6] The issue for determination whether the plaintiff has discharged the onus of proving negligence and causation as well as the quantum in respect of the motor vehicle collision that occurred.

Legal Principles

[7] 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.¹

¹ Moolman v Estate Moolman 1927 CPA 27, RAF v Duma 2013(6) SA 9 (SCA)



[8] Damages cannot be considered in the absence of proof of liability and causation.² The plaintiff bears the onus of establishing both on a balance of probabilities.

Evaluation

[9] In the present case, and notwithstanding that the matter was properly enrolled and argued, the court is of the view that the matter is not ripe for determination of liability in its present form. It would not be in the interests of justice to make a finding on liability on an incoherent and unexplained evidentiary record. In the absence of supplementary evidence or an affidavit explaining the inconsistencies, the court is unable to determine liability with certainty, without engaging in conjecture or speculation.

[10] The court must ensure that findings on the merits are grounded in reliable evidence. Where evidential deficiencies are curable, it would be inappropriate to dismiss the claim outright or to make adverse findings on liability in circumstances where the plaintiff has not yet had the opportunity to address those deficiencies.

Conclusion

[11] In the circumstances, the court is unable to determine liability at this stage, on the evidence presented before it. The appropriate course is therefore to afford the plaintiff an opportunity to supplement the evidential record, after which the matter may be re enrolled, and considered afresh.

² Minister of Safety and Security v Van Duivenboden [2002(6) SA 43] (SCA)

Order

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

12.1. The court is unable to and has not determined the issue of liability.

12.2 The plaintiff is granted leave to file an affidavit within (twenty) 20 days of this order, addressing the inconsistencies in the documentary evidence.

12.3. the matter is postponed *sine die*.

12.4. The plaintiff is granted leave to re-enrol the matter on the RDJ trial roll once the documentary discrepancies identified in this judgment have been properly addressed on affidavit.

12.5 There is no order as to costs.



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 09 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 09 January 2026.

APPEARANCES

Date of hearing: 22 October 2025

Date of judgment: 09 January 2026

For the plaintiff: Adv. Nadia Badat
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