



**IN THE HIGH COURT OF SOUTH AFRICA
MPUMALANGA DIVISION, MBOMBELA MAIN SEAT**

Case No.: 986/2020

(1) REPORTABLE: **NO**

(2) OF INTEREST TO OTHER JUDGES: **NO**

(3) REVISED: **NO**

DATE 10 APRIL 2026

SIGNATURE NSIBANDE AJ

In the application between:

SPHIWE PRETTY SINGWANE

PLAINTIFF

And

THE ROAD ACCIDENT FUND

DEFENDANT

JUDGMENT

NSIBANDE AJ

INTRODUCTION

[1] The Plaintiff is claiming against the Road Accident Fund (RAF) in her personal capacity for the damages as a result of a motor vehicle accident that occurred on the 2nd October 2018. The Plaintiff was a driver of the motor vehicle.

[2] The Plaintiff is a major female born on the 6th June 1983 and at the time of the accident was employed at KFC, Tonga Mall. By agreement, the parties informed the Court that merits and quantum are to be separated and the proceedings for today will only be dealing with merits.

[3] The issue that is to be decided by the Court, is whether there was a collision as alleged that occurred on the 2nd October 2018, further whether the collision resulted in the Plaintiff losing control of her motor vehicle to which she was the driver, and further whether the insured driver was negligent and whether as a result of the accident the Plaintiff sustained damages.

The Plaintiff Case

[4] The Plaintiff testified that she was driving a motor vehicle, a blue Nissan registration letters and numbers N[...], and was involved in a motor vehicle collision along the Masibekela and Mananga R517 public road on the 2nd October 2018. She obtained her driving licence in 2009.

[5] She testified that an unknown vehicle driven by an unknown driver (*the insured driver*) collided with the motor vehicle, which was driven by her, from the back. She testified that the estimated time of the collision was about 1945hrs and it was dark. She stated that as she was driving towards Masibekela Trust (her residential area) from work at Tonga Mall, she observed on her mirror, headlights of a motor vehicle approaching from behind at seemingly a high speed.

[6] She testified that the road she was traveling along was a tarred road and was a two-lane road, which was a straight road. She testified that she was traveling at a speed of between 80-90km per hour and the speed limit on the road was 100km per hour. She further testified that she had a passenger whose name was Salim Indris, who was also the owner of the motor vehicle.

[7] She indicated that when she saw the headlights of the motor vehicle approaching, at first the lights were at a distance, but she noticed through the inside mirror that those lights were approaching at high speed. She testified that she then heard a loud bang noise and thought of the car behind her, there were no on coming vehicles at the time and other vehicles were far ahead. She lost control of the motor vehicle, and it crossed over to the other lane and came to a standstill at a ditch on the side of the oncoming traffic.

[8] She testified that she lost consciousness and did not see what happened thereafter, and she was taken to hospital. She was injured on the right ankle, on the leg, which was broken and had to be operated on her left hip, and the right side of the jaw had a laceration. Exhibit A (Medical Records from Tonga Hospital) was handed in and admitted as such.

[9] The witness further confirmed the details of the driver as they appear on the Accident Report (AR) 06/10/2018) as her own particulars, and the motor vehicle registration No N[...], Blue Nissan is the motor vehicle she was driving on the day. She further testified that it was not her who reported the accident to the police as she was hospitalized.

[10] She testified that she last saw her passenger, Sali Indris about 2-3 years back and she does not know his current whereabouts and does not have his contact details. She testified that she did not see the motor vehicle that bumped her from behind, and she heard nothing about police investigations of the accident and has never been approached by the police regarding the accident.

She concluded by stating that she would not have had the accident had it not been for the insured driver of the unknown motor vehicle bumping her motor vehicle from behind.

[11] She further testified that she could not avoid the collision, as it was dark, the road was a two-way traffic road, and just close to the road were water storm drainage system. On cross examination the witness testified that she never gave her statement to the police as she was hospitalized for a period of 8 weeks and no police officer came to her in hospital to obtain her statement.

[12] It was put to her that there was no insured driver at the scene who caused the accident, but it was the witness who caused the accident by failing to control the motor vehicle causing it to hit the ditch. The witness responded by stating that there was a motor vehicle that bumped her vehicle from behind and caused the motor vehicle to lose control. At that the Plaintiff's case was closed.

The defendant did not call any witness and also closed its case.

Valuation of Evidence

[13] The Court is faced with the evidence of a single witness. It is trite law that when evaluating evidence of a single witness the trial Court is obligated to exercise caution. In *S v Rugnanan* 2020 ZASCA 16 para 23 the Court held as follows:

“The cautionary rule does not require that evidence of a single witness must be free of all conceivable criticism. The requirement is merely that it should be substantially satisfactory in relation to material aspects”.

[14] In *casu*, the Court is satisfied that the evidence of the witness was credible and cannot be faulted in any way. She answered all questions put to her with ease and when she was confronted with the submission that she manufactured the claim as she realized that she could claim from the RAF, she seemed genuinely surprised that such could be insinuated.

[15] The Court therefore finds that the witness satisfied the requirements of being a credible single witness in so far as the cause of the accident is concerned.

[16] The Court also admitted the medical records of the witness from Tonga Hospital as Exhibit A. In essence the records states that one Pretty Singwane a 35 years old female came to casualty with a history of being involved in a motor vehicle accident and sustained a left femur fracture and a left tib fib fracture declared below the knee and big laceration on the chin, the date on this record is the 2nd October 2018 and the time of arrival is recorded as 2115hrs recorded by Dr Shongwe.

[17] The witness further confirmed the details appearing on the Officers Accident Report (OAR), as the driver mentioned was herself and the description of the motor vehicle was the one driven by her on the day of the accident.

[18] There was no objection by the Defendant regarding these documents. The Court is therefore satisfied that the claimant suffered damages as a result of a motor vehicle accident that occurred along the R517 public road between Masibekela Trust and Mananga.

Remedy

[19] The Court finds that, on the evidence provided, the collision on the 2nd October 2018 was solely caused by the unidentified insured driver who bumped the motor vehicle driven by the claimant at the back. The Court also finds that under the circumstances that prevailed at the time of the accident i.e. that it was dark, that the road was a two-way carriageway, with drainage ditches system on the side of the road, the claimant could not have avoided the accident

Order

[20] In the premise having heard Counsel for both parties, and having perused the documents filed on record, the following order is made:

1. The issue pertaining to merits is separated from quantum in terms of Rule 33(4)
2. The defendant is held liable for 100% for the proven damages suffered by the Plaintiff on the 2nd October 2018 as a result of the negligent driving of the unidentified insured driver.
3. The Defendant is to pay the taxed or agreed party and party cost of the Plaintiff on scale B

VM NSIBANDE

ACTING JUDGE OF HIGH COURT,

MPUMALANGA, MBOMBELA

Date of hearing: 22 October 2025

Date of judgment: 10 April 2026

Counsel for the Plaintiff: Adv J Lindhout

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