



IN THE HIGH COURT OF SOUTH AFRICA

MPUMALANGA DIVISION, MIDDELBURG (LOCAL SEAT)

CASE NO. 836/2024

(1) REPORTABLE: **NO/YES**

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

(3) REVISED

SIGNATURE.

DATE **29/04/2026**

In the matter between

PRUDENCE NONHLANHLA MAJOLA

PLAINTIFF

And

ROAD ACCIDENT FUND

DEFENDANT

This judgment was handed down electronically by circulation to the parties and/or parties' representatives by email. The date and time of hand-down is deemed to be 29 April 2026 at 14h00

JUDGMENT

BAM AJ

- [1] The plaintiff was involved in an accident on the N4 highway in Middelburg on 9 June 2024. She was on duty as a traffic control officer wherein she and her two colleagues were trapping over-speeding vehicles. While so engaged, a motor vehicle with registration numbers H[...] 2[...] M[...] collided with her, and she was injured in the incident. She has now instituted a damages claim against the defendant (“the RAF”) in terms of Section 17(1) of the Road Accident Fund Act 56 of 1996 (“The Act”). In her particulars of claim she alleges that the accident was caused through the negligence of the driver of the insured vehicle. The action is defended.
- [2] In the plea, the defendant disputes the seriousness of the plaintiff’s injuries and as a result the seriousness of her injuries must be referred for assessment in terms of Section 17(1A) of the Act read with regulation 3 of the RAF regulations. The defendant further denied that the insured driver had been negligent but that in the event he was found to have been negligent, the plaintiff was also partly negligent and thus her damages should be apportioned according to her degree of negligence; in terms of the Apportionment of Damages Act 34 of 1956.
- [3] Mention was also made of noncompliance with the requirements of Section 24 read with Board Notice 271 of 2022. Nothing turns on this issue as the said notice was declared invalid by the courts and subsequently withdrawn in terms of Board Notice 281 of 2024.
- [4] On the trial date of 24 November 2025, there was a concern raised by counsel for the RAF regarding expert reports whose validity had “lapsed” due to the endorsements detailing the validity periods thereof. The trial was rolled over to 27 November 2025 to afford the plaintiff the opportunity to obtain updated expert reports. The parties confirmed that adjudication of general damages was to be postponed *sine die* and the hearing would proceed only on the merits and the quantum portion of Loss of earnings. In respect of the latter, counsel for the plaintiff, Mr Judas Mathala moved an application in

terms of Rule 38(2) for admission of expert reports and the plaintiff's section 19(f) affidavit into evidence by way of affidavit. Same was not opposed by the defendant and it was granted after due consideration.

MERITS

[5] The plaintiff testified in person with the assistance of the interpreter, Mr SJ Mahlangu. Her testimony was as follows:

- 5.1 On 9 June 2022, she was part of three traffic officers on duty on the N4 monitoring traffic and speed. Her role was to stop speeding vehicles that were being identified by the camera operator. The N4 freeway stretch where they were stationed has got three lanes on either side – towards Mbombela and Emalahleni respectively. They had set the camera up in the space (island) separating the lanes.
- 5.2 She was alerted by her colleague of an oncoming vehicle that was being driven above the speed limit. She then entered the road and pointed at the vehicle to indicate to the driver that he should stop.
- 5.3 The driver changed lanes from the fast (outer) lane to the middle lane. The vehicle then slowed down as if preparing to stop. When she pointed towards the outside of the road to show the driver where to stop, he accelerated towards her, forcing her to step back to avoid being hit by the vehicle.
- 5.4 As she stepped back into the fast lane, there was another vehicle approaching along that lane. She tried to run fast but the vehicle collided with her on the side and she fell. Her colleagues came to help her up, and she was taken to hospital for treatment.
- 5.5 Asked for clarity, she said that the first motor vehicle that she had tried to stop had driven away and she was hit by the one that was driving on the fast lane into which she ran back to avoid being hit by the former. She had

noticed this second vehicle at a distance of about 6 metres away and there was nothing she could have done to avoid it.

5.6 The driver of the vehicle that collided with her stopped a bit further from the point of impact.

[6] Mr Mathala asked the plaintiff to explain the role of the yellow line marking on the road and she responded that it shows vehicles where to stop, that is beyond it, and others, that encounter problems, to confine themselves on the side of it – it marks off the normal driving road surface.

[7] Upon being asked to respond to an allegation that she might have been negligent, she said she would dispute that. She indicated that the accident happened on a sunny day at around 8:30 in the morning and she was clearly visible to motorists.

QUANTUM

[8] The plaintiff testified that she started working as a traffic officer on 1 April 2018, four years before she got involved in the accident.

8.1 She confirmed that she receives risk allowance. The amount is deducted from her monthly salary and gets paid out in the event that she gets injured on duty. The allowance is payable for a period of 6 months at R600.00 per month.

8.2 She did not submit a claim to the Workmen's Compensation Fund.

8.3 Upon discharge from hospital, she worked in the office until October or November 2023.

8.4 She is now back in the traffic department doing the same job of patrolling the roads.

8.5 She continued to receive the same salary as she did before the injury and it has since been increased by 1% that was applicable to all staff members.

- 8.6 Regarding her state of health after the accident, she indicated that only her right foot is still giving her problems. It gets swollen and painful and she uses painkillers and a foot support. She wears a special sock sometimes but during winter she keeps it on full-time.
- 8.7 She still works overtime after every 3 months, and other times she is on standby for attending accident scenes.
- [9] On cross examination by counsel for the RAF, Advocate N A Baloyi, the plaintiff confirmed that she received training during 2017 before she started going out on patrol duty. This included how to operate the camera and how to stop vehicles. She hasn't undergone any refresher training since then.
- 9.1 She could not remember the aspects of safety training and there are no meetings held before they are sent out. They normally start their work around 06h00, and the car that she tried to stop at around 08:30 wasn't the first she had stopped that day. She and her two colleagues took turns operating the camera and stopping vehicles for speeding, checking roadworthiness, licenses and permits, and other traffic compliances.
- 9.2 She explained that in terms of their training, she is supposed to stand on the lane on which the identified vehicle is being driven and if the driver changes lanes, she will follow in the same direction. If the car is approaching, she will move according to where it is going to stop, but if it doesn't stop, she must shift from the lane.
- 9.3 She confirmed that she was trying to stop a car that was in the middle lane and she was knocked down in the fast lane which was closer to the camera operator.
- 9.4 She was referred to her Section 19(f) affidavit in which she has stated that she was "operating the camera" when the vehicle collided with her, which contradicted her testimony before court. She said when she mentioned "operating the camera" she was referring to the job of the whole group - what they were doing at the time. They took turns.

- 9.5 She confirmed that after her discharge from hospital, she performed light duty that did not involve any lifting. Even on her return to normal duty, she doesn't do any lifting. Her job, in any event, does not involve lifting, it is mostly walking, sitting, and standing.
- 9.6 She said there was no automatic promotion at work and the likelihood of being promoted is very low.
- 9.7 She also confirmed that post-accident, she was afforded sympathetic accommodation at work. She spent most of the time sitting while guarding and monitoring a camera in the office. Since 2023, she has been sent back to work in the office only twice.
- 9.8 She indicated that she has on several occasions complained to her supervisor about the pain and swelling when they occur, but now she is coping well with her normal duties. Currently she is using over-the-counter painkillers for the pain, and she has exhausted all the physiotherapy sessions allowed by her medical aid.
- 9.10 Her salary was never reduced, and she has instead received a 1% increase. She is still on the duty roster for overtime and standby.
10. There were no other witnesses from either side, and the counsels closed their respective cases.

ARGUMENT

[11] Mr Mathala referred the court to the expert reports concerning the injuries sustained by the plaintiff as well as current complaints. He also referred to the plaintiff's oral evidence and reiterated that there was nothing she could have done to avoid the accident. Further that the driver of the car that did not stop when asked to, caused the accident. In the result, the plaintiff is entitled to 100% of her proven or agreed damages.

[12] Mr Baloyi on the other hand requested the court to dismiss the plaintiff's claim, alternatively to apply a 60/40 apportionment to her awarded damages since she contributed to the accident. He referred to his heads of argument where he

addresses the question of onus and causation¹ and cites Kroon J in *Stacey v Kent 1995(3) SA 344 (ECD)*, who stated that:

“The enquiry after the case remains whether the plaintiff has, on a balance of probabilities, discharged the onus of establishing that the collision was caused by negligence attributable to the defendant. In that inquiry, the explanation tendered by the defendant will be tested by considerations such as probability and credibility.”

THE ACCIDENT

[13] In her Section 19(f) affidavit, the plaintiff says the vehicle that collided with her was driven at a high speed and the driver was negligent as he did not abide by the rules of the road.² She does not specify which rules would have been applicable under the circumstances in which the accident occurred.

[14] The narrative portion of the accident report describing how the accident happened states that *“the driver alleges that he was driving to N4 direction Witbank..... and he saw a traffic officer in front of his car and he tried to divert (avoid) her, he was unable to do so. Majola PM, traffic official was involved”*. There is no sketch drawn to illustrate the distance between the vehicle and the plaintiff, the point of impact, and their respective positions after the collision. The details completed on the report indicate that the road signs were clearly visible, the road was going straight, and the surface was flat and especially that the vehicle was in the correct lane before the accident. The author of the report was not called to testify.

LIABILITY

[15] The first step in the pursuit of a damages claim is the provision of comprehensive evidence proving negligence on the part of a defendant. In personal injury claims against the RAF a claimant must lodge the requisite

¹ Case lines 054-8

² Case lines 016-1

documents and reports required in terms of Section 24 of the Act. To prove negligence on the part of the RAF, the claimant must show that his or her injuries arose from the negligent driving of a motor vehicle. Thirdly, the claimant must prove that the injuries and / or sequelae thereof have resulted in reduced capacity which translates into patrimonial loss.

[16] In the case of *Mashengani v Road Accident Fund [2025] ZAGPPHC 1207*, the court per Moshoana J stated the following:

“Section 17 of RAFA³ deals with the question of liability of the RAF. Importantly, the RAF shall be obliged to compensate any person (third party) for any loss or damage which the third party has suffered as result of any bodily injury to himself or herself caused by or arising from the driving of a motor vehicle by any person at any place, if the injury is due to the negligence or other wrongful act of the driver or of the owner of the motor vehicle.”

[17] The court in that case had absolved the RAF from liability upon finding that the alleged uninsured driver had deliberately and intentionally used (“weaponized”) his vehicle to hurt the plaintiff who had then gone on to open a criminal case for attempted murder. Where negligence is not proven by the plaintiff, the RAF’s liability does not arise.

[18] In *Kruger v Coetzee 1966 (2) SA 428 (A)* the court, per Holmes JA ventilated the concept of negligence as follows:

“In an action for damages alleged to have been caused by the defendant’s negligence, for the purpose of liability, culpa only arises if a diligent paterfamilias in the position of the defendant not only would have foreseen the reasonable possibility of his conduct injuring another in his person or property and causing him patrimonial loss, but would also have taken reasonable steps to have guarded against such occurrence; and the defendant failed to take such steps. The facts of the case will dictate what reasonable steps could have been taken. If the defendant did take the required steps, the onus is on the plaintiff to prove that those were insufficient and more could have been done.”

³ Road Accident Fund Act 56 of 1996

[19] In paragraph 16 of *Stenger v Road Accident Fund [2024] ZAFSHC 31*, the court held that:

“A driver confronted with a sudden emergency is one who has neither the time nor opportunity to weigh the pros and cons of the situation in which he finds himself. The effect of this is that a driver acting in the best way to avoid danger in a sudden emergency is not negligent.”

[20] The plaintiff must prove negligence on a balance of probabilities. This requires that the court must be satisfied that, based on the evidence before it, it is more likely than not that the accident did happen in the manner described by the plaintiff. In *RV Cawood 1944 GWL 50* at 54 the court stated that “a man who, by another’s want of care, finds himself in a position of imminent danger, cannot be held guilty of negligence merely because in that emergency he does not act in the best way to avoid danger”.

[21] The plaintiff’s explanation of how the accident occurred is clear and leaves no doubt as to who was negligent. She was inside the road, in the middle lane of a three-lane freeway intending to stop an over-speeding vehicle. The driver of this vehicle slowed down and changed lanes as if he was going to stop. Instead of stopping, he accelerated towards her as she was preparing to indicate where he should stop. This sudden change in the circumstances forced her to jump backwards out of harm’s way. In so doing, she encroached into the fast lane on which traffic was flowing unhindered.

[22] The way the accident occurred creates a complex problem of determining negligence as I have observed from both parties’ papers and arguments, save for an isolated statement made by Mr Mathala when concluding his argument. Liability will attach to the defendant depending on whether a reasonable person in the circumstances faced by the insured driver would have acted the same way that he did. In a case like the present, the plaintiff must prove that the first driver’s negligence caused the accident even if it did not make physical contact with her. The plaintiff’s reaction to the situation would have to be measured objectively.

[23] In *Dibakoena v Road Accident Fund [2024] ZAMPMBHC 78* the court dismissed the plaintiff’s claim when he testified that he lost control of his own

vehicle and collided with a truck after he heard a loud bang on his left-hand side. He could not explain where the sound came from as there were no other vehicles nearby. Pieces of glass from his windscreen had, however, gotten into his eyes. In paragraph 35 the court says the following:

“We find that the plaintiff lost control of his motor vehicle and whilst trying to control it, he drove into a stationary truck. Had there been another unknown vehicle, his testimony would have been to that effect. However, the plaintiff did not testify to that effect. I, therefore, find that there was no unidentified driver whose negligent driving caused the collision resulting in the plaintiff’s injuries on the day in question. He failed to prove on a balance of probabilities that there was an insured driver who was negligent.”

[24] Sudden emergency doctrine may succeed where the plaintiff had only a split second to react to a sudden unexpected crisis or threat created by someone else. Under the circumstances, it is my considered view that the first driver is the proximate cause of the accident that resulted in the plaintiff’s injuries. But for his reckless conduct, the plaintiff would not have fled to the fast lane and become an obstruction to traffic travelling thereon.

[25] My reference to the above scenarios is meant to demonstrate that the negligence that caused the accident cannot be attributed to Mr M, who actually collided with the plaintiff. He was driving on the freeway in the fast lane. The vehicle that was being stopped was in the middle lane, thus opening a clear path for Mr M to proceed unhindered. The plaintiff followed the errant driver into the middle lane in order to indicate further where he should stop and had thus also removed herself from Mr M’s path of travel. When she jumped back into the fast lane, Mr M’s vehicle was about 6 meters away from her, and both of them could do nothing to avoid the collision. I find that this was a case of sudden emergency and as such Mr M could not be said to have been negligent. I also do not think the plaintiff’s training would have been sufficient to prevent the collision, though she tried to flee.

[26] The plaintiff is however, not without a relief. Unlike with the *Dibakoena* scenario above, in this matter, there was indeed a third vehicle that created the emergency situation. Had the unknown driver followed the plaintiff’s orders to

get off the road instead of pretending to stop and then driving off recklessly to avoid the consequences, she would not have jumped back into the fast lane and become an obstacle/obstruction to free flowing traffic. As such, there was negligence arising from the driving of a motor vehicle by the unknown insured driver. It was too convenient for the parties to point out the obvious “culprit” who collided with the plaintiff – when in fact he was not the cause of the accident. I do not believe however, that it is necessary to even consider absolution only because the incorrect party was identified as the insured driver as the facts are clear that this accident arose from the negligent or even reckless conduct of the first driver.

[27] At the end of the inquiry, it must be clear that, the plaintiff, having regard to all the evidence placed before court, has discharged the onus of proving on a balance of probabilities, the negligence he or she has laid at the defendant’s door. The defendant cannot therefore avoid liability using the “sudden emergency” maxim, in a situation where the emergency which both the plaintiff and Mr M found themselves faced with, was created by the actions of a third party. It is no different from “overtaking cases” which result in a claimant having to swerve to avoid a head-on collision. In the result, the defendant is liable for 100 percent of the plaintiff’s proven or agreed damages.

LOSS OF EARNINGS

[28] The expert reports were admitted into evidence and since there was no contrary evidence led by the defendant in this regard, the parties proceeded to argue their respective positions on loss of income. The injuries are common cause, even though the seriousness thereof is still a bone of contention. A synopsis of the expert opinions appears below:

28.1 The Mid-med hospital records studied by the orthopaedic surgeon, Dr K M Matekane, who consulted with the plaintiff on 18 September 2023, indicate that she had sustained a right ankle fracture and soft tissue injury to the right foot. She walked with a slight limp. Radiological reports indicated that she had had surgery in the form of ORIF and the expert noted that there was nonunion of her fibular fracture. This may require further surgery in

future. Her job as a traffic officer has also been affected as it requires strenuous use of her lower limbs. This will negatively affect her ability to compete fairly in the open job market. He accorded her orthopaedic injuries a rating of 20% WPI.

28.2 The Occupational therapist's assessment and findings were that the residual physical aptitude of the plaintiff was commensurate with light work demands. Ms Sangawti Sebapu opined that the plaintiff can no longer perform work within the medium, heavy, and very heavy categories. Her pain was aggravated by weight handling and prolonged lower limbs' weight bearing. She is thus a poor match for occupations that require extended standing and walking. Furthermore, her physical aptitude is expected to diminish should the non-union of the fracture persist and remain unattended. She noted further that the plaintiff was placed on office duty after discharge from hospital to facilitate the healing process. However, due to the nature of her job, she will always require sympathetic / accommodative employment. She will struggle to deal with weights of more than 5 kg as well as tasks that require excessive ambulation.

I did not attach any weight on the observations regarding the plaintiff's "emotional and psychological fallouts" as these should have been deferred to the relevant expert(s).

28.3 The Industrial psychologist, R T Ntsieni, noted the plaintiff's educational and vocational qualifications; the latter having been tailored towards a police and/or traffic officer career. She told the expert that she aspired to pursue her studies and thus get better prospects of promotion as a Chief Provincial Inspector or Director position at work. She indicated that she has a code 10 driver's license obtained in 2011. The expert observed and opined that:

"It is clear that Ms Majola has been working for the public sector. She started her career in the public sector in 2018, thus about 04 years before the accident happened. It is evident that she relied on her physical health, strength and capabilities for gainful employment. Her earnings at the time of the accident were at Level 6 (Notch 02) of the 2022 Non-OSD Public Service

Employee Scale. In this capacity, at the age of 38 years as at the time of the accident, with Grade 12 level of education, Diploma in Basic Traffic Officer's course, First Aid level 01, Basic NaTIS Course, Firearm Control Certificate, Further Education and Training Certificate: Road Traffic Law Enforcement (Level 4), it is accepted that growth in her career was likely for Ms. Majola who had 27 years still pending to retirement. It is therefore the writer's view when considering her experience and educational background and noting the collateral information as indicated by Ms. Emma that Ms. Majola's performance was good prior to the accident and the next promotional position would be as a Senior Provincial Inspector on Level 07, Principal Provincial Inspector on Level 08, Chief Provincial Inspector on Level 10, Control Provincial Inspector on Level 12, Deputy Director on Level 13 and Director, and that she would have likely managed to progress her career and earnings to Level 10 of the Public Service Employee scale, as her ceiling at the approximate age of 50/52 years through promotions or changes of jobs/employers."

[29] Tsebo Actuaries computed the loss of earnings relying on the report of the Industrial Psychologist. They factored in all the adjustments that are known to affect financial/economic statuses over a period of time. They proceeded to apply demonstrative contingencies as follows:

29.1 A contingency spread of 10% for uninjured past and future income (5% and 15% respectively)

29.2 A contingency spread of 30% for injured past and future income (5% and 35% respectively)

29.3 The total loss arrived at is the sum of **R3 975 943.00**

[30] The defendant objects to this amount by stressing the trite principle that expert reports are there to guide the court and that actuarial calculations must be based on proven facts and realistic assumptions regarding the future. Mr Baloyi, in his heads of argument, addresses the nature and importance of contingencies through case law, and still recognises that at the end of it all, the court maintains the discretion to decide on what is fair and reasonable compensation. He proposed 5% and 5% both ways for past loss and 35%

and 50% both ways for future loss which would result in a total loss of income in the amount of **R 2 850 464.00**. If on the other hand, there is a finding of contributory negligence against the plaintiff, as pleaded, apportionment should be 50 percent, not the 60/40 he had initially proposed.

[31] Counsel argued that there were inconsistencies in the plaintiff's oral testimony and he requested that her claim be dismissed. The court is not convinced that the inconsistencies were material more so that the plaintiff was able to clarify any confusion during follow up questioning.

[32] The second point raised by Mr Baloyi is the defendant's insistence that the claim be dismissed because the plaintiff did not comply with the requirements of section 24 of the Act. This point of contention was only raised on 11 June 2024, the summons having been issued on 22 February 2024. The plaintiff's attorneys responded by sending proof of lodgement dated October/November 2023 when the initial letter of objection was sent by the RAF. Significantly, in the pre-trial minutes signed on 22 July 2024 the defendant's response to a question about prejudice is that no party has been prejudiced by any noncompliance. Secondly, the defendant should have objected to the certification of trial readiness. I have already made my comments regarding Board Notice No. 127 and need not repeat them here.

[33] Mr Baloyi does not attack the factual findings and some opinions of the experts except the finding that the plaintiff has suffered loss of earnings in the amounts recommended. She received her full pay during her recuperation period, and even when she went back to work and was assigned to office light duty, she still received her full salary. The plaintiff, during her oral testimony, confirmed that her job as a patrolling traffic officer does not involve any heavy lifting - it consists mostly of walking and sitting. He added that if she suffered any loss at all, it would be related to overtime which she could not perform while on light duty.

[34] Regarding loss of future earnings, counsel referred to the plaintiff's testimony that the prospects of promotion in her department were hard to come by. He was thus challenging the smooth career progression postulated by the

industrial psychologist as being unrealistic. That is another reason why he proposed the application of a 35%-50% contingency spread to the future loss of earnings computed by the actuary.

[35] I do not intend to rehash the contents of the expert reports save to note those aspects that have influenced the determination of what I consider a fair and reasonable award under the circumstances. To this end I have noted the following:

35.1 The injuries, the surgery, and the nonunion of the fracture which may necessitate further surgery, which will affect capacity or income, especially considering her age.

35.2 The once effective treatment which has since ceased with the exhaustion of the allocated physiotherapy sessions. This not only reverses the healing process but also exacerbates the pain and discomfort which restrict full performance of her duties. Painkillers are not a long-term solution.

35.3 The fact that the plaintiff has since returned to normal duty and between October/November 2023 and now, has taken light duty breaks only twice due to the sequelae of the injury.

35.4 The recognition that despite the discouraging rate of upward career movement, the plaintiff has committed to improving her chances at promotion by embarking on relevant training and studies.

35.5 That, should the plaintiff for any reason leave her employment which affords her accommodative arrangements, when necessary, she will struggle to compete on an equal footing with other job seekers with similar skills and experience in the open labour market.

35.6 That the retirement age in her present employment is 65 years.

[36] In view of the above, coupled with the belief that the plaintiff has not lost income and prospects of advancement, I conclude that she has instead lost some of her capacity to earn income in future. She still has a significant

amount of residual capacity in her. I do not for a moment doubt the pain and discomfort she experiences, considering the function of an ankle in the human anatomy – to support the body weight, provide stability and facilitate motion.

[37] I agree with the defendant that the actuarial calculations are misleading because they do not take into account the fact that the plaintiff has not suffered any past loss of income, except for overtime and standby allowance. She has received her full salary and benefited from annual increases offered to state employees including those in her own department. There is no evidence whatsoever that the injuries have thus far disadvantaged her earnings or that she was overlooked for promotion due to her limitations - she is now a provincial inspector with a gross salary of between R23,000.00 and R26,500.00.

[38] In view of the above, it is my considered view that the actuarial calculations are not helpful to the court and thus I can exercise my discretion to make an award that is fair and reasonable under the circumstances, namely one in the amount of **R2 500 000.00**.

[39] There is also no evidence of how much the plaintiff earned in overtime and when she was on standby duty for accidents. It is however a fact that while recuperating, she could not earn that extra income which is not a discretionary allowance but is part of the remuneration received on a rotational basis by her and her colleagues. To this end, I will add the amount of **R75 000.00** to the award I intend to make for the plaintiff's reduced capacity to earn an income that has been occasioned by the injury.

[40] The plaintiff's attorneys have delivered a comprehensive draft order which I will accordingly amend to reflect the orders based on this judgment.

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

1. The defendant's special plea is dismissed.
2. The defendant is liable to pay the plaintiff 100% of her proven or agreed damages arising from the accident that happened on 9 June 2022.

3. The adjudication of general damages is postponed *sine die*.
4. The defendant is ordered to pay the plaintiff the amount of **R2 575 000.00** in respect of loss of income and earning capacity.
5. The Draft Order attached hereto and marked "Annexure A" is made an order of court as if specifically incorporated herein.

L J N BAM

**ACTING JUDGE OF THE HIGH COURT
MPUMALANGA DIVISION, MIDDELBURG**

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C/O:

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DATE OF HEARING:

27 November 2025

DATE OF JUDGMENT:

29 April 2026