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

CASE: 5630/2024

(1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED
DATE 28 April 2026
SIGNATURE

In the matter between:

MASILELA MANDLA MNCEDISI
(Identity Number: 8[...])

PLAINTIFF

And

ROAD ACCIDENT FUND
(20241108/P/I/000056)

DEFENDANT

This judgment was handed down electronically by circulation to the parties' legal representatives by email. The date and time for hand-down is deemed to be 28 April 2026 at 16h00.

JUDGMENT

MANGENA AJ:

[1] Plaintiff is Mr Mandla Masilela, an adult male person who was involved in a motor vehicle accident on 09 September 2023. At the time of the accident, he was a pedestrian.

[2] He lodged a claim against the Road Accident Fund (the Fund), a statutory body liable to compensate injured person for loss suffered arising out of motor vehicle accidents. The Fund conceded liability for 80% of the proven damages.

[3] At the time of hearing, the remaining items for adjudication were general damages, future medical expenses and loss of income. In support of the claim, plaintiff had filed expert reports and made an application in terms of Rule 38(2) for their admission into evidence by way of affidavits. The application was not opposed and after due consideration of the relevant factors I granted it. There was no expert reports filed on behalf of the defendant.

[4] The parties are in agreement regarding the severity of the injuries as well as the fact that plaintiff has suffered physical impairment rendering him totally unable to perform his duties as a driver. In view of the agreement, which is supported by the expert reports filed, no purpose will be served by repeating them herein.

[5] With regard to the general damages, this court does not have jurisdiction by virtue of the fact that the HPCSA's decision is still outstanding.

[6] In support of the claim for loss of earnings, plaintiff filed proof of employment as a driver, proof of earnings as well as proof of receipt of a grant from SASSA all of which were taken into account in the calculation of the loss of both the past and future earnings by the actuary.

[7] I have given due regard to the submissions by the parties regarding the contingencies to be applied and in my opinion, there is no need to apply higher than normal contingencies.

[8] In the result, plaintiff's claim for the past and future loss of earnings succeeds and the draft order uploaded by the plaintiff's attorney on 28 January 2026 on caselines is made an order of court.

M I MANGENA

ACTING JUDGE OF THE HIGH COURT

MPUMALANGA DIVISION, MBOMBELA

APPEARANCES:

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Date of Hearing: 26 January 2026

Date of delivery: 28 April 2026