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

Case No.: 4929/2021

(1) REPORTABLE: **NO**

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

(3) REVISED: **NO**

DATE: 3/09/2026

SIGNATURE:

In the matter between:

PEARL ZANDISIWE HLOPHE

PLAINTIFF

And

ROAD ACCIDENT FUND

DEFENDANT

JUDGMENT

VUKEYA ADJP

INTRODUCTION AND BACKGROUND

[1] This is a personal injury claim against the Road Accident Fund arising from a motor vehicle collision which, according to the plaintiff, occurred on 22 July 2018, wherein the plaintiff was a passenger. She sustained a fracture of the right pubic ramus

- right iliac fracture with affection of right SI- joint. She also suffered loss of bladder control.

[2] The Plaintiff was taken to Rob Ferreira Hospital where she was admitted and discharged on 30 July 2018. X-rays confirmed a fracture of the right pubic ramus. As a result of the aforementioned, the plaintiff sued the Road Accident Fund ("RAF") as the liable entity in terms of the Road Accident Fund Act 56 of 1996 ("RAF ACT"). She caused summons to be issued to RAF to claim damages she allegedly suffered because of the accident under various heads of damages, including, but not limited to, general damages and loss of earnings/earning capacity.

[3] Merits were settled 100% in favour of the plaintiff and the parties agreed that a Section 17(4)(a) undertaking to cover her future medical expenses will be provided by the defendant. The matter proceeded only on quantum, namely general damages and loss of earnings.

[4] At the beginning of the trial, a formal application in terms of Rule 38 (2) of the Uniform Rules of Court ("the Rules") was brought on behalf of the Plaintiff, in terms of which she sought for the evidence of the following experts to be led by way of affidavit:

4.1. Dr LA Oelofse - Orthopaedic Surgeon

4.2. Dr PAG Botha - Urologist

4.3. D Benade - Educational Psychologist

4.4. C Durandt - Occupational Therapist

4.5. D de Vlaming - Industrial Psychologist

4.6. J Potgieter - Actuary

[5] The defendant did not oppose the application and stated that it will also rely on the reports filed by the plaintiff's experts as it had not obtained any expert reports. The application was granted by the Court.

EVIDENCE OF THE EXPERTS

[6] Dr Oelofse's evidence was that the plaintiff reported that she was using 14 painkillers per week, which according to the doctor indicated moderate pain due to the injury she sustained in the accident. She complained that she was experiencing pain when standing for long periods, walking long distances, kneeling, squatting, handling heavy objects or sitting for extended periods. The doctor observed a moderate to severe tenderness of the pelvis and observed signs of a previous fracture of the right ilium with affection of both SI joints. The fracture had united. The plaintiff suffered from incontinence and had to undergo surgery. She reported that she was a sales assistant and her work entailed standing for long periods of time, handling heavy items and walking continuously. The doctor opined that the plaintiff will be suited to perform a sedentary type of job where she can stand up frequently in order not to sit for extended periods of time continuously.

[7] According to Ms D Benade, the Educational Psychologist who assessed the Plaintiff on 22 August 2023, during the assessment, she presented with an overall average cognitive ability on the cognitive test battery. Considering her level of functioning at the time it seemed that her cognitive potential remained the same. The plaintiff reported that she never failed any grades from Grade 1 - 11. According to a letter from Lowveld High School, she was progressed to Grade 10 after her marks in Mathematics were adjusted. She dropped out of school prior to completing Grade 12 due to financial constraints and enrolled at a TVET College after the accident to attempt further studies.

[8] She completed a National Certificate (Vocational) level 2 and enrolled for a level 3 and level 4 in Engineering and Related Design. She has not completed the qualifications yet due to failures and a lack of financial resources. She indicated during the assessment that she was motivated to complete the qualification. She enrolled at a TVET College in 2019. She completed a National Certificate (Vocational) in Engineering and Related Design at level 2 and attempted the Level 3 and 4 qualifications in 2020-2021. She has not completed the qualifications yet due to failures and a lack of financial resources. She found employment as a sales lady between 2022 - 2023 and had difficulties performing her duties which required long periods of standing. She was not employed at the time of the assessment.

[9] The plaintiff reported that she was a happy and healthy individual prior to the accident but experienced physical pain when sitting or standing for long periods after the accident. She was also anxious when travelling. From the findings of the assessment the plaintiff presented with underlying feelings of inadequacy, helplessness, and incompetence. She also had underlying resentment for failing to achieve life goals. It was opined that psychotherapy will improve her psychological functioning that may improve her ability to cope emotionally and function as a student. The expert opined that pre-morbidly, the plaintiff would have been able to complete a National Certificate (Vocational) Level 4 qualification in Engineering and Related Design if the accident did not happen. Post-morbidly, she would still be able to complete a National Certificate (Vocational) Level 4 qualification in Engineering and Related Design.

[10] The Occupational Therapist, Ms C du Randt assessed the plaintiff on 5 September 2023 and brought out an addendum report on 25 March 2026. She stated in the report that considering the plaintiff's attained qualifications up to date, she would be able to work in the engineering industry with applied positional changes and ergonomic workstation and seating. She is advised to seek employment of a more sedentary nature to limit strain in her pelvis and right knee to prevent accelerating the degenerative changes in these areas as indicated by Dr Oleofse.

[11] It is the Occupational Therapist's opinion that the plaintiff's bladder limitations will affect any formal employment as she will require access to a toilet as a matter of urgency throughout the workday. Her self-employment at present is favourable in this regard as she is at home and able to access the toilet without limitations in productivity. Based on the physical and functional capacity assessment, she is best suited for sedentary to light weight handling demands with moderate mobility and limited agility requirements. She will benefit from positional changes throughout a workday. Regarding the question related to residual earning capacity, the expert opined that the plaintiff does have the ability to meet the inherent demands of sedentary to light weight with moderate mobility and limited agility requirements. She will benefit from positional changes throughout a workday.

[12] The expert remained of the opinion that the plaintiff should seek employment of a more sedentary nature to limit strain in her pelvis and right knee to prevent accelerating the degenerative changes in these areas. She opined that the plaintiff is an unequal competitor in the open labour market in her own or any other occupation, due to the accident-related injuries and sequelae thereof, poor medical and rehabilitative management post-accident, the degenerative nature of her injuries as well as indicated future medical and rehabilitative intervention.

[13] Mr David Vlamingsh, the Industrial Psychologist, opined that uninjured, the plaintiff would probably have been able to secure employment before commencing full-time studies. She may have been able to do so from 1 September 2018 until the end of 18 December 2018, earning just below the median for unskilled workers at the time (around R2,000 p/m in 2018-rand value). He referred to the Quantum Yearbook by Robert Koch (2018 Publication) in which the salary range for unskilled employees at the time was R725 - R2, 125 - R6,083 per month. According to the Industrial Psychologist, she would still have enrolled for full-time studies in 2019, with similar results as post-accident. She would have entered the employment market with her National Vocational Certificate in Engineering and Related Design Level 2 (with most level 3 and 4

subjects), but importantly, she would have been physically and psychologically fully able to compete for the full spectrum of vocational opportunities available to her.

[14] If the accident did not intervene, the plaintiff would have been able to perform semi-skilled work that ranged from light physical demand up to heavy physical demand. Based on her engineering studies, she would probably have been able to find semi-skilled work in the production or construction environment such as Machine Operator, Production Worker or Factory Worker. She would probably have been able to find work by July 2022 earning a salary just below the median for semi-skilled workers at the time (around R5,500 p/m in 2022- rand value). Without any physical restrictions and with good communication skills she would have gained skills and experience over the years to allow her to progress to a position as team leader or even supervisor by age 45. Her salary would probably have increased in a straight line to reach a peak by age 45 at the upper quartile for semi-skilled employees in the non-corporate sector. The plaintiff would probably have earned inflationary increases until retirement at age 65. He opined that there was no indication that the plaintiff would not have been able to continue working until the normal retirement age of 65.

[15] Regarding her career prospects post-accident, it was reported that the plaintiff rested to recover for approximately 3 months, which made it impossible for her to secure employment. In 2019, she started full-time studies at the Kanyamazane TVET College in Engineering and Related Design. She continued full-time studies until the end of 2021, but she only managed to complete the level 2 of her National Vocational Certificate in Engineering and Related Design during this period. After exiting the college at the end of 2021, she was looking for suitable work that she would be able to cope with given her injuries and the only work she could find from April 2022 was that of a Sales Assistant for a rug merchant. She reportedly earned R200 per day and worked 5 days per week. Therefore, her monthly income was R4,333 per month. She did not receive any payslips The business however closed in April 2023, and she was looking for work from May 2023 until March 2024.

[16] In April 2024 she secured a position as a Sales Assistant at Hospitality Suit trading as Continental Linen where she was still working at the time of drafting the report. Her salary at the time was RS,800 per month, placing her between the lower quartile and the median for semi-skilled workers in the non-corporate sector. The plaintiff's employer, Ms Viana van den Heever, was contacted and she confirmed the plaintiff's employment and income as reported. She indicated that the plaintiff was taking more sick leave than her colleagues, but they were accommodating her at work when she needs to take a rest break. Based on all the available information and expert medical opinions received, the expert concluded that the plaintiff will be restricted to sedentary to light work and her post-school studies will not be of any significant benefit to her.

[17] The best possible future scenario, according to the Industrial Psychologist, was for the plaintiff to continue with her current employment in the retail sector but hopefully transitioning to more sedentary work such as Receptionist or Administrator. The expert's opinion was that prior to the accident Ms Hlophe was healthy, fit, and able to work in any semi-skilled position in line with her studies in Engineering. Although she would not have completed any significant tertiary studies, she showed the ambition and motivation to develop her vocational skills and would have been competitive. She had a realistic expectation to increase her earnings in years to come as she gained more skills and experience, and she would have been able to work until retirement at the age of 65. After the accident she continued with her studies, but her post accident studies were not entirely successful (she failed some subjects at level 3 and level 4) and she was unable to secure employment in line with her studies mainly due to her physical limitations.

[18] The expert concluded that the plaintiff will no longer be able to work in her more physically demanding pre-accident career in the engineering and related industries. As a result, she had to change her career and is now limited to sedentary to light work with workplace accommodations, with a lower earnings potential. She has suffered a past and ongoing future loss of earnings as a result of the accident in question and its sequelae. Her loss can be actuarially calculated based on the difference between her

postulated pre- and post- accident career and earnings potential. The expert recommended that a moderately higher than normal post-accident contingency deduction be applied to acknowledge her risk of unemployment due to her truncated career options.

[19] An actuarial calculation was done by GRS Actuarial Consulting on 9 April 2026 based on the aforesaid, which calculation reflects the following:

Past Loss

Pre-Morbid: R338 477.00
Post-Morbid: R204 113.00
Total: R134 264.00

Future Loss:

Pre-Morbid: R4 018 598.00
Post-Morbid: R2 151 523.00
Total: R1 867 075.00

[20] The plaintiff submitted that in view of the above opinions, the contingencies to be applied should be as follows:

Past Loss:

Pre-morbid 5% = R321 553.15
Post-morbid 0% = R204 213.00
Total: R117 304.15

Future Loss:

Pre-morbid 15% = R3 415 808.30
Post-morbid 30% = R1 506 066.01
Total: R1 909 742.29
Total Past and Future loss: R2 027 046.44

THE PARTIES' SUBMISSIONS

[21] The defendant's submission was that there was no past loss of earnings pre-accident as the plaintiff was a minor child at the time of the accident. In respect of past loss of earning, the defendant submitted that higher contingencies should be applicable because, had the accident not occurred, her future earnings would more or less remain the same. Her academic history indicates that, she has always had issues with mathematics and other subjects and at some point, she was even promoted to the next level in mathematics as per the letter from school but went and registered for a cause that needs mathematics. Had the accident not happened, she would have still not completed her national certificate, and she would have dropped out again as she did. The defendant suggested to the court that contingencies are to be applied as follows:

	PAST INCOME	FUTURE INCOME	TOTAL INCOME
Income if the accident did not occur		4 018 598	4 018 598
Less contingencies		30%	
Sub-total		4 018 598	2 813 018.60
Income given accident did occur	204 213	2 151 523	2 355 736
Less contingencies	10%	15%	
Subtotal	183 791.70	1 828 794.55	2012 586, 25
Total			800 423,32

[22] In trying to quantify the plaintiff's claim for general damages, plaintiff's Counsel acknowledged that Courts were warned against a method of calculating general damages based upon pure mathematical principles which do not recognise and/or allow the court to exercise its discretion. The growing tendency in awarding higher amounts to injured parties in respect of general damages remains only one of a multiple of factors which the court should consider in exercising its discretion. Counsel referred the Court

to the following cases and submitted that an amount of R1 000 000 (One Million Rand) would be a fair and reasonable amount for general damages suffered:

1. The matter of *MJ Masemola v RAF* (53419/2014) 2017 ZAGPPHC 1202 (3 April 2017) - The Plaintiff sustained the following injuries: Left compound tibia fracture. Fracture of right acetabulum. Closed injury to pelvis. Fracture of the right pubic rami. Injury to left knee. Soft tissue injuries to neck. The court awarded R850 000.00. (R1 275 507.00 In current value)

2. The matter of *Mzendana v Road Accident Fund* (449/06) [2007] ZAECHC 127 (30 August 2007) - The Plaintiff sustained the following injuries: Fracture of left tibia; Fracture right acetabulum; Ulcer of left heel; Lung contusion: Injury to knee and ankle (left). The court awarded an amount of R350 000.00 for general damages in 2007. (R953 036.05 in current value)

3. In the matter of *Kgopyane v Road Accident Fund* (43235/2014) [2016] ZAGPPHC 872 (22 September 2016) - The plaintiff sustained the following injuries: A fracture of the right superior rami as well as a left inferior ramus fracture along the link of the bone; Chest contusion injury to her right foot; A soft tissue injury to her neck and shoulder; Suffered from moderate depression and post-traumatic stress disorder; and damage to her bladder The court awarded an amount of R600 000.00 in 2016.(R947 790.53 in current value)

[23] The defendant was of the view that an amount of R600 000, 00 would be fair and reasonable as an award for general damages. It submitted that "courts are not bound by the view of any expert. Courts make ultimate decision on issues on which experts provide an opinion." (See *RAF Tribunal & others v Gouws & another* [2017] ZA SCA, 188 [2018] 1 ALL SA 701 (SCA) para 33). It also relied on the case of *Kgopyane v Road Accident Fund* (43235/2014) [2016] ZAGPPHC 872 (22 September 2016) also referred to by the plaintiff and to the case of *Nkonoane v Road Accident Fund* (2905/2021) [2023] ZAFSHC 186 (23 May 2023), where the plaintiff was awarded R650 000, 00 00

(currently R732 717.99), after sustaining a pelvic fracture with implants in situ; a humerus fracture and multiple soft tissue injuries, to support its submission that R650 000, would be a fair and reasonable award for general damages to the plaintiff.

GENERAL DAMAGES

[24] It is common cause that the plaintiff indeed qualifies for compensation for general damages for serious injury in terms of the narrative test in that she suffered, amongst others, long-term impairment and loss of a body function. She suffered from incontinence and has to constantly urinate and use sanitary towels. Her injuries disadvantage her immensely and adversely affect her quality of life in that she experiences pain when standing for long periods or when walking long distances, kneeling, squatting, handling heavy objects or sitting for extended periods. She also presented with underlying feelings of inadequacy, helplessness, and incompetence. It is however difficult to determine if the difficulties she experiences when walking long distances, standing, kneeling, etc, can be 100% attributed to the injury sustained in the current accident or some of it can be attributed to the "previous fracture of the right ilium with affection of both SI joints" observed by Dr Oelofse.

[25] Often, general damages are determined by comparing cases under consideration and previously decided ones, although generally, previously decided cases are never similar and their purpose stops at comparing them to the current and nothing more. In Protea Insurance Co. v Lamb 1971 (1) SA 530 (SCA), the court held that:

"In assessing general damages for bodily injuries, the process of comparison with comparable cases does not take the form of a meticulous examination of awards made in other cases in order to fix the amount of compensation, nor should the process be allowed to dominate the inquiry as to become a fetter upon the Court's general discretion in such matters. Comparable cases, when available, should rather be used to afford some guidance in a general way towards assisting the Court in arriving at such an award which is not substantially

out of general accord with previous awards in broadly similar cases, regard had to all the factors which are considered to be relevant in the assessment of general damages. At the same time, it may be permissible, in an appropriate case to test any assessment arrived at upon this basis by reference to the general pattern of previous awards in cases where the injuries and their sequelae may have been either more serious or less than those in the case under consideration."

[26] Having assessed and considered the previous cases referred to by Counsel and having perused and considered the reports of the experts filed by the plaintiff, I am of the view that an amount of R750 000.00 would be a fair and reasonable amount to be awarded to the plaintiff for general damages.

LOSS OF EARNINGS

[27] Where the method of actuarial calculations is adopted, it does not mean that the trial Judge is tied down by inexorable actuarial calculations. He has a large discretion to award what he considers right. (See *Southern Insurance Association v Bailey* (*Southern Insurance Association* 1984 (1) SA 98 (A) at 116-117). The Supreme Court of Appeals said the following in *Road Accident Fund v G S O Guedes* [2006] SCA 18 (RSA); 2006 (5) SA 583 (SCA) (20 March 2006):

"It is trite that a person is entitled to be compensated to the extent that the person's patrimony has been diminished in consequence of another's negligence. Such damages include loss of future earning capacity (see for example *President Insurance Co Ltd v Mathews* 1992 (1) SA 1 (A) at 5C-E). The calculation of the quantum of a future amount, such as loss of earning capacity, is not, as I have already indicated, a matter of exact mathematical calculation. By its nature such an enquiry is speculative and a court can therefore only make an estimate of the present value of the loss which is often a very rough estimate (see for example *Southern Insurance Association Ltd v Bailey* NO. 1984 (1) SA

98 (A) The court necessarily exercises a wide discretion when it assesses the quantum of damages due to loss of earning capacity and has a large discretion to award what it considers right. Courts have adopted the approach that in order to assist in such a calculation, an actuarial computation is a useful basis for establishing the quantum of damages. Even then, the trial court has a wide discretion to award what it believes is just (see for example the *Bailey* case and *Van der Plaats v South African Mutual Fire and General Insurance Co Ltd* 1980 (3) SA 105 (A) 114F-115D).

[28] The contingencies allow for general hazards of life such as periods of general unemployment, possible loss of earnings due to illness, the risk of future retrenchment etc. As was stated in *Van Der Merwe v Road Accident Fund* 7407/2022) [2025] ZAWCHC 158 (3 April 2025) para [20], the determination of loss of earnings and the incorporation of contingencies falls within the ambit of judicial discretion, the Court has to decide on the approach peculiar to the facts of the present matter. By definition, contingencies are adjustments made to account for the uncertainties of life, including the risk of unemployment, illness, economic downturns, changes in career path or early death. They recognise that a person's working life rarely proceeds without interruption (See *K.M v Road Accident Fund* (RAF 276/2022) [2025] ZANWHC 133 (25 July 2025) para [38]).

[29] It is, in my view, important that the plaintiff must testify to create the essential foundation and lay the basis for her claim. In cases, like this, where the plaintiff does not testify, the Court is deprived of essential information to consider apart from the evidence of the experts. In this case, for example, the plaintiff would have better explained what she is currently busy with and whether she has been able to follow her career path in Engineering or what she intends to do with her qualifications in the future, etc, considering the fact that the reports relied on were prepared sometime ago.

[30] Van der Schyff J (Mabuse J et R Matthys AJ concurring) held in *Advocate Viljoen N.O v Road Accident Fund* (A76/19) [2021 ZAGPPHC 461] that:

"[13] When a claimant's loss of earning capacity is assessed, courts essentially use one of two methods. (Southern Insurance Association v Bailey NO 1984 (1) SA 98.) The first is establishing a reasonable and fair amount based on the proven facts and the prevailing circumstances. This entails the determination of a lump-sum that the court regards to be fair and just in the given circumstances. The second approach is to establish an amount by a mathematical calculation based on the proven facts of the case. Millard (D Millard, 'Loss of earning capacity: The difference between the sum-formula approach and the 'somehow-or-other' approach', Law, Democracy & Development 2007, vol 11:1.) opines that courts are likely to follow the first approach in circumstances where it is impossible to make a mathematical calculation, for example, where the claimant is a minor who has not yet embarked on a career path.

[14] This court must take into consideration the fact that the plaintiff did not testify in person. There was no direct evidence from her. Her evidence would have been valuable in assessing what the future might hold for her. This, however, does not mean that the court cannot consider the evidence of the expert witnesses. It does, however, impact on the quantification method that will be utilised. It is impossible to accurately determine the patient's post-morbid progression without evidence of how the claimant sees and experiences her future unfolding. In the claimant's absence, insufficient light was shed on the reason for her failing her first year and why she did not consider another study field. Due to the patient's failure to testify, a considerable measure of uncertainty prevails. This disregards the application of a purely mathematical model, even if higher than normal contingencies are applied. It is trite that in these circumstances, the court may decide to fix a lump sum as compensation, although it considers the actuarial calculations as one of the factors in determining the award. [15] Even in determining a lump-sum, the court is guided by the evidence before it."

[31] I agree with the views expressed in *Adv Viljoen v RAF (supra)*. I am of the view that the plaintiff in fact suffered or will suffer a true patrimonial loss in that her

employment situation has manifestly changed. The plaintiff has suffered an ongoing future loss of earnings because of the accident in question and its sequelae. Her earning capacity has been diminished or lost by the wrongful act of the defendant's insured driver and therefore it becomes the duty of this court to quantify such a loss. In trying to quantify her loss I have had regard to the following material facts:

31.1. She is unable to secure employment in line with her studies mainly due to her physical limitations.

31.2. She will no longer be able to work in her more physically demanding pre-accident career in the engineering and related industries.

31.3. She had to change her career and is now limited to sedentary to light work with workplace accommodations, with a lower earnings potential.

31.4. Because of her bladder limitations, her formal work employment will be affected as she requires access to a toilet as a matter of urgency throughout the workday.

31.5. Although the occupational therapist opined that that the plaintiff does have the ability to meet the inherent demands of sedentary to light weight with moderate mobility and limited agility requirements, she will benefit from positional changes throughout a workday.

31.6. If the accident did not intervene, the plaintiff would have been able to perform semi-skilled work that ranged from light physical demand up to heavy physical demand. Based on her engineering studies, she would probably have been able to find semi-skilled work in the production or construction environment such as Machine Operator, Production Worker or Factory Worker, but for the accident, her abilities have been limited.

31.7. The plaintiff is an unequal competitor in the open labour market in her own or any other occupation, due to the accident-related injuries and sequelae thereof.

31.8. She will be suited to perform a sedentary type of job where she can stand up frequently in order not to sit for extended periods of time continuously and will

have to be employed by an employer who can accommodate her limitations, which is very difficult in our current economy.

[32] In assessing the loss of earning capacity for the plaintiff herein, my view is that because the plaintiff did not testify to give an essential foundation of her claim, for example, how she endeavours to approach life henceforth and how far she thinks her abilities and/or her limitations can extend, and how she sees and experiences her future unfolding, amongst others, therefore, in my view, the first method as suggested in *Advocate Viljoen N.O v Road Accident Fund and Southern Insurance Association v Bailey NO (supra)* is an appropriate method to employ under the circumstances. This method allows the court to establish a reasonable and fair amount which is based on the proven facts and the prevailing circumstances, without using a mathematical or actuarial calculation.

[33] Having considered all the above and all the opinions expressed by the experts and the submissions made herein, I am of the view that a lump-sum of R1 750 000. 00 is a fair and reasonable amount to award in respect of loss of earnings in favor of the plaintiff.

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

34.1. The Defendant is ordered to pay 100% of the Plaintiff's proven or agreed damages;

34.2. The Defendant is ordered to pay to the Plaintiff the amount of R2 500 000. 00 (Two Million, Five Hundred Thousand Rand and Zero Cents) made up as follows:

34.2.1. General Damages : R 750 000. 00 (Seven Hundred and Fifty Thousand Rand and Zero Cents)

34.2.2. Loss of Earnings : R1 750 000. 00 (One Million, Seven Hundred and Fifty Thousand Rand and Zero Cents)

within 180 days from the date of this order.

34.3. The above-mentioned amount to be paid into the Plaintiff's Attorneys, Frans Schutte & Mathews Phosa Inc. trust account with account number 0[...] at Standard Bank, White River.

34.4. Should the Defendant fail to make payment as set out in paragraph 2 above then, in this instance, the Defendant shall be liable for payment of interest, calculated from 14 days after date of granting of this order, at the *tempore morae* rate.

34.5. The Defendant will furnish to the Plaintiff with an unlimited Undertaking in terms of section 17(4)(a) of Act 56 of 1996, to pay the costs of the future accommodation of the Plaintiff in a hospital or nursing home, or treatment of or rendering of a service or supplying of goods to her arising from injuries sustained by her in the collision which occurred on 22 July 2018, after the costs have been incurred.

34.6. The Defendant shall pay the Plaintiff's taxed or agreed party and party costs on a High Court scale of the instructing- and correspondent attorneys, subject to the discretion of taxing master; and that such costs shall include the following:

34.6.1. The day fee of counsel Adv. IEC Delport, as well as reasonable preparation fees including drafting of heads of argument, on scale C, for trial as set down for 18 May 2026;

34.6.2. The reasonable costs of Plaintiff's attorney for the judicial case management of 4 December 2024, including preparation and appearance;

34.6.3. The costs of all medico-legal, actuarial and addendum reports obtained and/or served by the Plaintiff, as well as such reports furnished to the Defendant or it's Attorney or in the Defendant's possession, including the costs of any special investigations (X-rays, MRI scans, blood test etc.) requested by the relevant expert;

34.6.4. The reasonable costs consequent to attending the medico-legal examinations;

34.6.5. The costs relating to confirmatory affidavits by medico-legal experts, as obtained in support of the Plaintiff's application in terms of Rule 38 (2) application for trial as set down for 18 May 2026;

34.6.6. The costs of the qualification and reservation fees of all medico-legal experts for trial, as set down for 18 May 2026;

34.6.7. The costs of consultations with the Plaintiff to consider the Offers of Settlement;

34.6.8. The costs of interpreter for trial as set down for 18 May 2026.

34.7. Should the Defendant fail to make payment of the taxed or agreed costs within 14 days, then the Defendant will be liable for payment of interest on the taxed costs or agreed costs calculated from 14 days from the date of the taxation or settlement at the tempore morae rate.

VUKEYA LD
ACTING DEPUTY JUDGE PRESIDENT

APPEARANCES

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CLAIM NO: 329/12689507/208/0

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