

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA,
GAUTENG LOCAL DIVISION,
JOHANNESBURG

CASE NO: 2011/31448

(1)	REPORTABLE: YES <input checked="" type="radio"/> NO
(2)	OF INTEREST TO OTHER JUDGES: YES <input checked="" type="radio"/> NO
(3)	REVISED. <input checked="" type="checkbox"/>
<p>.....16.5.14..... DATE</p> <p>..... SIGNATURE</p>	

In the matter between:

SEEF, C L obo LANGE, DEVON

First Plaintiff

DELAFUENTE, L B obo DELEFUENTE,
ISABELLA LELA GRACE

Second Plaintiff

and

ROAD ACCIDENT FUND

Defendant

J U D G M E N T

WRIGHT J

1. The facts in this case are common cause. The deceased driver was driving along Betchuana Road. At its intersection with Terrace Road he took the slip-road to the left, going into Terrace Road. Terrace Road has two lanes going in in the direction that the deceased driver was travelling. On the left hand side,

on the pavement at the point where the slip-road from Betchuana Road meets Terrace Road there is a pole. About 30 metres from that pole, on the pavement just left of the left hand lane in Terrace Road there is a street light pole.

2. At about 3:30am on the morning in question, a police vehicle was stationary in the left lane in Terrace Road next to the street light pole. The police had stopped the vehicle which was stationary immediately in front of the police vehicle. Another vehicle, (vehicle X) which had been travelling in convoy with the vehicle stopped by the police, was stationary, two vehicles in front of the police vehicle. The driver of vehicle X then did a u-turn, travelling over the solid line separating the lanes going in different directions in Terrace Road, completed a circular manoeuvre and stopped next to the police vehicle in the right hand lane, apparently to make enquiries. In so doing, the driver of vehicle X completed the blocking of both lanes in Terrace Road. The driver of vehicle X was in my view reckless.
3. The deceased driver, once he had entered Terrace Road drove into the back of vehicle X. It is not necessary for me to decide whether or not the deceased driver was negligent as the present action is a dependent's action.
4. The Fund is liable for all of the damages which the dependants can prove against the Fund.
5. By agreement the question of quantum is reserved for another hearing.

Order

1. It is declared that the Fund is liable for all of the damages suffered by the dependants arising out of the collision.
2. The Fund is to pay the plaintiffs' costs including those of the expert, R A Opperman.
3. The question of quantum is reserved for future determination.

JUDGE OF THE HIGH COURT

On behalf of the 1st & 2nd Plaintiffs: Adv. W Pye
082 416 1000

Instructed by: C N Sweetnam Attorney
011 648 9520

On behalf of the Respondent: Att. T C Salane
076 039 5087

Instructed by: Pule Inc
011 482 1044

Dates of Hearing: 16 May 2014

Date of Judgment: 16 May 2014