

## REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA,  
GAUTENG DIVISION, PRETORIA

CASE NO: 2013/18635

(1)	REPORTABLE: YES / <u>NO</u>
(2)	OF INTEREST TO OTHER JUDGES: YES / <u>NO</u>
(3)	REVISED. <u>✓</u>
<p>..... 10.10.14 .....</p> <p>DATE SIGNATURE</p>	

10/10/2014

In the matter between:

JOLING, TEUNIS

PLAINTIFF

and

ROAD ACCIDENT FUND

DEFENDANT

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**J U D G M E N T**


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**WRIGHT J**

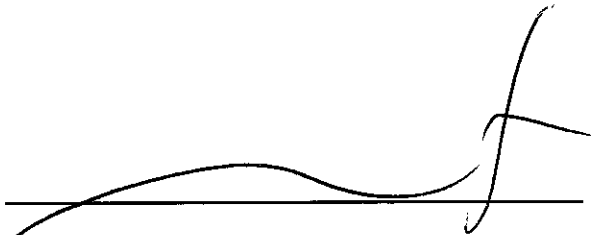
1. In this case the only remaining issues are the negligence or otherwise of the driver of a vehicle which collided with the plaintiff and the question of quantum. By agreement I postponed the question of quantum sine die.
2. Mr Joling, the plaintiff gave unchallenged evidence that he was riding his motorcycle on his correct side of the road when another vehicle overtook the vehicle in front of it. Both of these vehicles were driving in a direction opposite

to that in which Mr Joling was riding. The overtaking vehicle, a taxi came onto Mr Joling's side of the road. Mr Joling swerved unsuccessfully in an attempt to avoid a collision. The only inference is that the taxi driver was negligent. I find that the Fund is liable to pay to the plaintiff all the damages he proves as a result of the collision.

3. In my view the Fund should pay costs to date on this question on the attorney and client scale. This hearing was entirely unnecessary. Mr Potgieter for the defendant quite properly did not waste the court's time.

**Order:**

1. I make an order in terms of the draft marked X.

A handwritten signature in black ink, appearing to be 'GC Wright J', written over a horizontal line.

**GC WRIGHT J  
JUDGE OF THE HIGH COURT,  
GAUTENG DIVISION**

On behalf of the Applicant:	Adv Horn
Instructed by:	De Broglio Inc
On behalf of the Respondent:	Adv Potgieter
Instructed by:	Sekati Monyane & Partners
Dates of Hearing:	10 October 2014
Date of Judgment:	10 October 2014