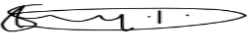




**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA**

Case number: 39667/17

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED: YES
	
.....	20 JUNE 2022
SIGNATURE	DATE

JEAN-RAY PEARTON

PLAINTIFF

And

THE ROAD ACCIDENT FUND

DEFENDANT

**Delivered: this judgment was prepared and authored by the judge whose name is reflected herein and is handed down electronically and by circulation to the parties/their legal representatives by email and by uploading it to the electronic file of this matter on CaseLines.**

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JUDGMENT

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LESO AJ

INTRODUCTION

- [1] Plaintiff filed leave to appeal the decision of the court dated 12 April 2022 whereby the plaintiff's claim for loss of earnings and earning capacity was dismissed.

- [2] The plaintiff's grounds for leave to appeal mainly rest firstly, on the court's rejection of some of the expert's opinions regarding the loss of earnings and earning capacity. Secondly, the plaintiff's application rests on the ground court's analysis of the evidence, the rejection of evidence and the short or brief analysis of inconsistencies that were identified in the evidence before me.

### CONCLUSION

- [3] I have read your papers and having heard the counsel's submission, I make the findings as follows:

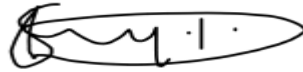
- 3.1 that no court will come to a different conclusion;
- 3.2 that the applicant has no prospect of success in the appeal;
- 3.3 that there is no question of law that needs ventilation by the Supreme Court of Appeal.

- [4] Having stated the above, I, therefore, stand by my analysis of evidence and my judgment that the plaintiff has not discharged the onus to prove that he is entitled to loss of earning or loss of earning capacity.

ACCORDINGLY, I MAKE THE FOLLOWING ORDER:

- 1] Plaintiff's application for leave to appeal is dismissed.
- 2] No order as to costs.

Counsel obo Plaintiff:	Adv JF Mullins SC (082 928 0718)
	Adv. L. Coetzee (083 324 9540)
	Gildenhuys Malatji Inc.
Obo Defendant:	Unrepresented



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JT LESO  
Acting Judge of the High Court

Date of Hearing: 20 June 2022

Judgment Delivered: 20 June 2022

For the Plaintiff: Mullins SC

Attorney: HW THERON INC

Contact No: 012 347 2000

Email Address: ronel@hwtinc.co.za

For the Defendant: Unrepresented