



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

CASE NO: 2312/2016

- (1) REPORTABLE: ~~YES~~ / NO
(2) OF INTEREST TO OTHER JUDGES: ~~YES~~/NO
(3) REVISED.

08.02.2022

DATE

Electronic

SIGNATURE

In the matter between:

D M SEFARA

Plaintiff

and

THE ROAD ACCIDENT FUND

Defendant

REASONS

CRUTCHFIELD J:

[1] The plaintiff requested reasons in respect of the deletion of the provision for costs from the order granted by me on 30 August 2021 (the 'order') in this matter.

[2] The order required payment by the defendant, the Road Accident Fund ('Fund'), of an amount of R2 909.47 in respect of past medical expenses to the plaintiff.

[3] I refused to grant the plaintiff's costs, including on the Magistrates' Courts' scale, as a mark of this Court's displeasure at the plaintiff approaching this Court, a High Court, that is overburdened with the number of matters that require its attention, for payment of an amount of R2 909.47.

[4] The purpose of my refusal to grant the costs order was to deprive the plaintiff's legal representatives of their fees for the hearing on 30 August 2021. It is wholly unacceptable for legal representatives to incur the costs of approaching this Court for the amount claimed before me.

[5] The plaintiff, in its request for reasons for the order, alluded to the fact that the plaintiff is not able to recover its disbursements, as a result of the order.

[6] However, the court order granted on 20 July 2018 in this matter, provided for payment by the Fund of the costs of the medico-legal and ancillary reports including those of Dr E Mennen, the Orthopaedic Surgeon; Ms A Greeff, the Occupational Therapist; Dr A Pauw, Clinical Psychologist; Mr K Prinsloo Industrial Psychologist and Argen Actuarial Solutions.

[7] In the circumstances, paragraphs 6.2, 6.2.3, 6.2.4, 6.2.6 and 6.2.7 of the draft order sought by the plaintiff before me on 30 August 2021, had been ordered previously by this court on 20 July 2018. In the circumstances, there is no prejudice to the plaintiff arising from the deletion of paragraphs 6.2, 6.2.3, 6.2.4, 6.2.6 and 6.2.7 from the order granted by me.

[8] As regards paragraph 6.2.5 of the plaintiff's draft order in respect of the costs and time spent travelling consequent on an inspection *in loco*, I was not addressed on the necessity of such an order.

[9] Accordingly, the only aspect of the costs that I effectively refused to grant was the costs of the plaintiff's legal representatives' appearance before me. Insofar as the plaintiff states that they expected to be granted costs on the scale applicable to the Magistrates' Courts, I refused to grant even those costs for the appearance before me such was my displeasure at the plaintiff's legal representatives seeing fit to approach this Court on the basis aforementioned.

[10] In the circumstances, the order granted by me provided as follows:

1. The defendant is liable towards the plaintiff for payment in the amount of R2 909.47 (two thousand nine hundred and nine rand and forty seven cents), computed as follows:
 - 1.1. The defendant shall pay to the plaintiff the sum of R2 909.47 (two thousand nine hundred and nine rand and forty seven cents) in respect of past medical expenses.
 - 1.2. The amount mentioned in paragraph 1.1 above is to be paid to the plaintiff within one hundred and eighty (180) days of the date of this Court order.
 - 1.3. In the event of the aforesaid amount not being paid timeously, the defendant shall be liable for interest on the amount at the rate of 7% per annum, calculated fourteen (14)

days after the date of this order to date of payment as set out in Section 17(3)(a) of the Road Accident Fund Act, 56 of 1996.

2. The order records that there is no contingency fee agreement between the plaintiff and the plaintiff's attorneys, Spruit Incorporated Attorneys.

CRUTCHFIELD J
JUDGE OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION
JOHANNESBURG

Electronically submitted therefore unsigned

Delivered: This judgment was prepared and authored by the Acting Judge whose name is reflected and is handed down electronically by circulation to the Parties / their legal representatives by email and by uploading it to the electronic file of this matter on CaseLines. The date of the reasons is deemed to be 8 February 2022.

COUNSEL FOR THE APPLICANT

Ms Worthington.

INSTRUCTED BY:

Spruit Attorneys