

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT
OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 16 September 2008

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

TRANSNET LTD t/a METRORAIL v D WITTER

On 7 February 2002 Mr Witter's right foot was severed by a Metrorail train at the Witteboom station, Western Cape. He had been attempting to board the train through a door which had not closed before the train started moving. The SCA held that either the guard had been negligent because he had not checked whether the doors were closed, or Metrorail was negligent in not instructing him to do so. Mr Witter's damages were reduced by 50 per cent because he had also been negligent in attempting to board a moving train.

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