



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
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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

**SOUTH AFRICAN RAIL COMMUTER CORPORATION LIMITED v
ALMMAH PHILISIWE THWALA (661/2010) [2011] ZASCA 170 (29
SEPTEMBER 2011)**

The Supreme Court of Appeal today upheld an appeal brought by the South African Rail Commuter Corporation (the appellant) against the decision of the South Gauteng High Court, Johannesburg. The High Court had found the appellant liable for damages suffered by Mrs Almmah Philisiwe Thwala arising from injuries she sustained when she was pushed by fellow commuters and fell from a train onto the platform at Village Main Station in Johannesburg.

The SCA held that Mrs Thwala failed to prove that the accident occurred because the train was overcrowded and in motion when she was pushed and that the appellant had been negligent in any way.

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