



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
Date: 01 June 2012
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.

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A 15 year old rural learner suffered an injury to his eye. His injury occurred when his teacher beat a co-learner with a belt and the tip of the belt struck him on the side of his eye. This incident took place during June of 2003. Since then, he has been let down by various adults in bringing his claim to court, to the extent that he has been compelled to fight a procedural issue as far as this Court. The procedural issue raises the question whether his claim has become prescribed, if so, there would be no recourse for him in relation to the injury he suffered.

The Supreme Court of Appeal decided the appeal in favour of the

respondent and against the MEC for Education, KwaZulu-Natal. It found that the respondent had only learnt from the office of the Public Protector, when in January 2006 he informed it of his injury, that the MEC was a joint debtor along with the teacher who inflicted the injury. Only then was the fact of identity of the joint debtor known to him. Hence his claim had not become prescribed. The further result of the order made by the Supreme Court of Appeal is that the respondent would now be able to proceed with his pending claim in the high court against the MEC.