


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

CASE NO: 94682/15

DATE: 31 MARCH 2016

DELETE WHICHEVER IS NOT APPLICABLE	
(1)	REPORTABLE: YES/NO
(2)	OF INTEREST TO OTHERS JUDGES: YES/NO
(3)	REVISED
31/3/2016	
DATE	SIGNATURE

In the matter between:

LEFA TAHLO

Plaintiff

And

ROAD ACCIDENT FUND

Defendant

JUDGMENT

NKOSI AJ:

A. INTRODUCTION

Plaintiff's instituted an action for damages resulting from a motor vehicle collision on 2 January 2015 where he suffered some injuries.

Injured person: Lefa Tahlo: 55 years old

B. BRIEF BACKGROUND TO THE CLAIM

Synopsis of injuries and after effects: Plaintiff sustained a severe body injuries with post concussion headaches, head injuries and cervical spine, got surgically operated at Chris Hani Baragwanath Hospital for a month and transferred to a rehabilitation hospital in Pretoria where he stayed over 8 months. The aforesaid injuries were supported by medical, industrial psychologists, radiology, orthopaedic, neuropsychological expert reports. Plaintiff is found to be permanently disabled and only walks with difficulty on crutches with no reasonable prospects of being actively and gainfully employed in future. Plaintiff was HIV positively diagnosed and his life expectancy is considerably reduced and will not be able to enter the open labour market in any capacity in the future due to the grade 3 concussion and on permanent catheter.

C. ISSUES TO BE RESOLVED

1. Future loss of earnings
2. General damages

D. ORAL EVIDENCE BY THE PLAINTIFF

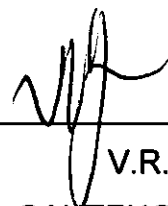
1. The Plaintiff is a 55 year old male who has instituted an action against the Defendant in terms of the Road Accident Fund Act 56 of 1996 for the payment of damages arising from a motor vehicle collision which occurred on 02 January 2015 in Soweto. His evidence was uncontested.

2. The Defendant was duly served with the combined summons on 27 November 2015 and have failed to serve and file their Notice to Defend. The Sheriff's Return of Service was attached to the bundle of documents marked as "LTI" of page 12 of the paginated documents.
3. This matter proceeded on unopposed basis and Plaintiff was allowed to lead evidence to prove his claim with the support of all experts reports as filed in court.
4. In the final analysis, having considered the proven claim as supported by the expert reports and previous similar or almost similar court decisions the court have come to the conclusion that a fair and reasonable compensation will be:
 - a) R800 000.00 : for general damages for pain and suffering, loss of amenities of life and disfigurement
 - b) R801 662.00 : for past and future loss of earnings as supported by the actuarial report
 - c) TOTAL : R 1601 662.00
5. Consequently the court orders as follows:
 - a) The Defendant is to pay the Plaintiff the amount of R1 601 662.00 in respect of damages, arising from the motor vehicle collision which occurred on 2 January 2015;
 - b) Interest of the aforesaid amount at a rate of 9% p.a from 14 days of this order
 - c) The Defendant shall furnish the Plaintiff with an undertaking in terms of Section 17(4)(c) of the Road Accident Fund Act , 56 of 1996, in respect of future medical expense upon proof thereof as a result of the motor vehicle collision which occurred on 2 January 2015; and

d) The Defendant shall pay the Plaintiff's taxed or agreed party and party costs on a High Court scale up to the date of this order:

- I. Including the taxed or agreed costs of counsel and costs of Plaintiff's experts fees

Signed and dated on 31 March 2016



V.R.S.N NKOSI
ACTING JUDGE OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION,
PRETORIA