



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF
APPEAL

From: The Registrar, Supreme Court of Appeal
Date: 24 March 2026
Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

*Newnet Property v The Road Accident Fund & Another (932/2024) [2026] ZASCA 35
(24 March 2026)*

Today, the Supreme Court of Appeal (SCA) upheld an appeal against the judgment of the Gauteng Division of the High Court, Pretoria (the high court), which had dismissed an urgent application on the basis of *res judicata*. The SCA set aside the order of the high court and substituted it with an order directing the Road Accident Fund (RAF) to pay the appellant R92 085 106.36 within seven days, together with ancillary relief, which included the provision of payment lists, adjudication of accounts, and for the acting Chief Executive Officer to ensure that the order is complied with by the RAF.

The appellant, Newnet Property (Pty) Ltd t/a Sunshine Hospital (Newnet), provided medical services to patients injured in motor vehicle accidents and submitted claims to the RAF for payment. Despite several court orders and judgments in its favour, the RAF failed to pay outstanding amounts. Newnet instituted an urgent application to enforce payment of judgment debts and to obtain further relief aimed at ensuring compliance. The high court dismissed the application on the basis that the relief sought was *res judicata*.

The issue on appeal was whether Newnet's application to enforce payment of judgment debts and obtain related relief was barred by the principle of *res judicata*.

The SCA held that the high court erred in finding that the matter was *res judicata*. It found that Newnet was not seeking to relitigate previously determined claims, but to enforce existing court orders and secure compliance with judgment debts. The SCA further held that a *mandamus* directing the acting Chief Executive Officer of the RAF to ensure compliance with court orders was competent. It emphasised that the RAF, as an organ of state, is constitutionally obliged to comply with court orders, and that its persistent failure to do so, including obstructing execution processes, undermines the rule of law and the authority of the courts. The SCA concluded that, in the circumstances, a mandatory order compelling the CEO of the RAF to ensure that it complies with the order is justified.

In the result, the appeal was upheld with costs, including the costs of two counsel, and the order of the high court was set aside and replaced with an order, *inter alia*, compelling payment and compliance by the RAF.