



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: 26 May 2021

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

Venter Du Plessis v RAF (138/2020) [2021] ZASCA 64(26 May 2021)

Today the Supreme Court of Appeal (SCA) handed down judgment wherein it upheld the appeal against an order of the Eastern Cape Division of the High Court; and ordered the Road Accident Fund (RAF), the respondent, to pay the costs incurred in the preparation, perusal and copying of the record on an attorney and client scale.

The issues before the SCA were whether Mr Phillipus Arnoldus Venter Du Plessis (the appellant) failed to establish on a balance of probabilities that the insured driver negligently caused the collision; whether the trial court erred in not accepting the appellant's evidence regarding the point of impact in dealing with two irreconcilable versions on the point of impact and the general approach to adopt when dealing with rear end collisions; taking into account the extra-curial statement made by the insured driver to RAF.

The SCA held that the appellant proved, on a balance of probability, that the insured driver was negligent in his conduct and that the RAF can therefore not escape liability; lamenting that the trial court together with the full court, made no finding on the statement and nor did the two courts make any reference to it or its impact on the evidence of the insured driver as a whole. SCA upheld the appeal with costs.