



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

20 March 2009

STATUS: Immediate

Road Accident Fund v Monani (241/2008) [2009] ZASCA 18 (20 March 2009)

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

A breadwinner had been killed in a motor vehicle accident. One of his dependants had died in, or as a result of, the same accident. The other dependants (the breadwinner's wife and surviving children) claimed against the Road Accident Fund for loss of support. The Fund contended that the support which would otherwise have been allocated to the child who had died in the accident should not be included in the amount awarded to the surviving members of the family because they would then be placed in a better position than they would have occupied if the breadwinner had not died. The Supreme Court of Appeal rejected this contention, holding that, because it had been agreed that everything which the deceased breadwinner would have earned would have been used for the support of himself and his family, the fact that one of the children would not share in the distribution of support could not have the effect of reducing the total amount of money which would have been available for the family but for the breadwinner's death.