

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 30 September 2010
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.

Saayman v Road Accident Fund (329/09) [2010] ZASCA 123 (30 September 2010)

The Supreme Court of Appeal today upheld an appeal against a judgment of the South Gauteng High Court in a matter where the court awarded damages to the appellant for loss of earning capacity in the amount of R4 295 290. The appellant had originally claimed damages in the amount of R45 038 137. The evidence is that the appellant who was employed as Market Risk Manager by Liberty Life would, but for the motor collision which occurred on 13 June 2005, have risen in his career in the banking environment to the position of Head of Market Risk where he would have been employed from 1 January 2014 until his retirement age in 2037 at an annual salary of R2,25m at an average real increase of 2,5 percent against inflation at 6 percent per annum.

Having considered the calculations made by an actuary appointed by the SCA on the mutual agreement by both parties, the SCA set aside the award of R4 295 290 and replaced it with an award of R13 572 649.