



THE SUPREME COURT OF APPEAL  
REPUBLIC OF SOUTH AFRICA

**MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

From: The Registrar, Supreme Court of Appeal  
Date:  
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.*

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Ms Franks suffered the misfortune of contracting HIV. She believed it happened at the scene of a collision that she was involved in. The vehicle that she was passenger in collided with a pedestrian on the N3 highway near the Mooi River Toll Plaza. The pedestrian was killed and she suffered, amongst other injuries, lacerations to her scalp. She was treated on the scene by an employee of Tolcon and paramedics in the employ of the respondent. According to information available to her the respondent's paramedics dealt with the deceased pedestrian before they treated her and she presumed that they transferred HIV infected blood from him to her. She was successful in her action against the respondent in the Pietermaritzburg High Court.

However, today the Supreme Court of Appeal overruled that decision and concluded that Ms Franks did not manage to place reliable evidence before the court to support

her presumption. Fundamental to the failure of her appeal was the complete absence of any evidence that the deceased was infected with HIV.