



THE 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: 16 March 2015  
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.*

***Roman's Transport CC v Sisa Zihlwele and Neliswa Nobomvu (13/2014) [2015] ZASCA 13 (16 March 2015)***

The Supreme Court of Appeal (SCA) today delivered a judgment upholding the appeal by the appellant, Roman's Transport CC against the judgment of the Eastern Cape Local Division, Mthatha.

The issue before the SCA was whether the bus driver who was faced by a sudden emergency resulting from a right front tyre blowout could have been expected to have applied the brakes to avoid the accident.

The respondents' claims arose in the following circumstances:

On 22 December 2007 the respondents were injured when a bus, in which they were passengers, driven by the appellant's employee, overturned after the front tyre blowout on a road between Beaufort West and Aberdeen. The bus was from Cape Town to Mthatha. Thereafter they sued the appellant in the high court contending that the bus driver's negligence was the cause of the accident and their resultant injuries. The high court found in their favour holding that although the driver was faced with a sudden emergency, the accident was avoidable by mild application of the brakes. The appellant appealed to the SCA and challenged the correctness of the high court's finding contending that in the prevailing circumstances the driver could not have been required to have mildly applied the brakes as such an application may practically have had disastrous consequences. The SCA upheld the appeal, set aside the high court's judgment and substituted it with one dismissing the respondents' claims.