



THE SUPREME COURT OF APPEAL
OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE
SUPREME COURT OF APPEAL

2 March 2016

STATUS: Immediate

THE MINISTER OF POLICE v DLWATHI (20604/14)

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

The Supreme Court of Appeal (the SCA) today partly upheld an appeal in this matter which concerns an award of damages made by the Gauteng Local Division of the High Court, Johannesburg, for physical and psychological injuries sustained by the respondent in the course of an unlawful assault by members of the South African Police Service (SAPS). The respondent, Mr Steve Dlwathi, an advocate in the employ of the National Prosecuting Authority, sustained facial injuries, a loss of hearing and a depressive disorder as a consequence of the unlawful assault. At that time he was a practising advocate at the Johannesburg Bar. At the hearing the appellant, the Minister of Safety and Security (the Minister), abandoned an appeal against the awards for past loss of earnings and future loss of earnings. All that remained for the SCA to decide was the award for general damages for pain, suffering, disfigurement and loss of the amenities of life.

After considering the well established objective of an award of general damages, as laid down by case law, namely fair and adequate compensation, and having regard to awards in comparable cases, the SCA reduced the amount of R675 000 for general damages awarded by the trial court to the sum of R200 000. The SCA, however, dismissed the appeal against the punitive costs order made against the Minister. In doing so the SCA held that costs is a discretionary matter and that the trial Judge's reasons for that order are indeed borne out by the record. In the result the appeal was upheld in part only insofar as the award of general damages was reduced.

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