



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 02 October 2017
STATUS Immediate

***Passenger Rail Agency of South Africa v Moabelo (1082/2016) [2017] ZASCA ###
(02 October 2017)***

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 dismissed an appeal by the appellant and confirmed the decision of the order of the full court of the Gauteng Local Division, Johannesburg.

The respondent had instituted action against the appellant claiming payment of damages on the basis that he had been injured by the negligent conduct of the appellant. The court a quo found in favour of the respondent on the merits. The appellant then appealed against the decision of the court a quo and special leave was then granted by the SCA.

The issue before the SCA was whether the court a quo erred in determining the merits in favour of the respondent.

On 3 August 2009 the respondent sustained bodily injuries after falling off from a moving train and was hit by an oncoming train owned and operated by the appellant. The respondent then instituted action against the appellant claiming payment of damages on the basis that the injuries sustained were as a result of the negligent conduct of the appellant. The issue of the merits was separated from the determination of quantum. The trial court proceeded to determine the issue of the merits. It found in favour of the respondent. Dissatisfied with this order the appellant challenged the decision of the trial court to the full court. The full court confirmed the order of the trial court. With special leave of the SCA the appellant appealed the order of the full court.

The SCA dismissed the appeal and confirmed the order of the full court.

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