



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 24 November 2017
STATUS Immediate

Road Accident Fund v Mohohlo (882/16) [2017] ZASCA 155 (24 November 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 today dismissed an appeal by the Road Accident Fund ('RAF') against a judgment of the Gauteng Division of the High Court, Pretoria, in which that court held that the respondent was entitled to claim damages from the RAF for loss of support.

The respondent was the biological aunt of the deceased breadwinner. She had de facto adopted him when he was an infant and he had grown up regarding her as his mother. This de facto adoption occurred in accordance with the respondent's culture and following a family meeting. Although our common law does not ordinarily recognise a duty of support between an aunt and nephew, the additional circumstances present in this case, and particularly the de facto adoption, justified the conclusion that there was a reciprocal duty of support between the respondent and the deceased.

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