



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal

DATE 1 December 2017

STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

G S Van der Westhuizen v W J Burger (204/2017) [2017] ZASCA 178 (1 December 2017)

Media Statement

The SCA today upheld an appeal against an order granted by the Gauteng Division of the High Court (Pretoria) declaring that the appellant was liable to pay to the respondent, such damages as the respondent was able to prove, as a result of an injury the respondent sustained, after being chased by an ostrich owned by the appellant. It found that the court had erred in concluding that there was no immediate provocation of the ostrich by the respondent and held that the appellant had discharged the onus of proving on a balance of probabilities, that the respondent's conduct in throwing a stone at the ostrich, provoked its behaviour in chasing him. It was held that provocation of a wild animal by the victim of an attack, was a defence to the imposition of strict liability on the owner of the wild animal.

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