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**IN THE HIGH COURT OF SOUTH AFRICA  
(FREESTATE DIVISION, BLOEMFONTEIN)**

Case No. **3423/2019**

**25 & 26 October 2022**

**Before the Honourable LOUBSER, J**

In the matter between:

**MABALEKA R.D.**

Plaintiff

and

**ROAD ACCIDENT FUND**

Defendant

**LINK NO: 4675030 | CLAIM NO: 560/12818603/1004/0**

**DRAFT ORDER**

**AFTER HAVING HEARD EVIDENCE AND HAVING READ THE PAPERS**

**FILED, AN ORDER IS HEREBY GRANTED IN THE FOLLOWING TERMS:**

**1.**

1.1 The Defendant is liable to pay 100% (One Hundred Percent) of the Plaintiffs proven or agreed damages;

1.2 The issues of loss of income and future medical expenses are separated from all the other issues in terms of Rule 33(4), with the remainder of the issues of quantum, being general damages to stand over for later adjudication.

**2.**

2.1 The Defendant shall pay the Plaintiff, the sum of **R5 719 139.00 Five million seven hundred and nineteen thousand and one hundred and thirty nine Rand** in respect of loss of earnings,

2.2 The Defendant shall pay the abovementioned amount into the trust account of the Plaintiffs Attorneys:

The Plaintiffs Attorney's trust account details are as follows:

**ACCOUNT HOLDER: VZLR INC**

**BRANCH: ABSA BUSINESS BANK HILLCREST**

**BRANCH CODE: 632005**

**TYPE OF ACCOUNT: TRUST ACCOUNT**

**ACCOUNT NUMBER: [...]**

**REFERENCE: MAT136138**

2.3 The Defendant will be liable for payment of interest on such amount at 9%

(at the more rate of 3.5% above the repo rate, as per the Prescribe Rate of Interest Act, 55 of 1975, as amended, per annum,) compounded and calculated 180 days from date of this order.

2.

The Defendant shall furnish the Plaintiff with an Undertaking in terms of Section 17(4)(a) of Act 56 of 1996, in respect of future accommodation of the Plaintiff in a hospital or nursing home or treatment of or the rendering of a service or supplying of goods of a medical and non-medical nature to the Plaintiff (and after the costs have been incurred and upon submission of proof thereof) arising out of the injuries sustained in the collision which occurred on **16 March 2018**.

3.

3.1 The Defendant to pay, subject to the discretion of the taxing master, the Plaintiffs taxed or agreed party and party costs, on a High Court scale up to 26 October 2022 and including the date, when this order is made an order of court, including but not limited to the following, which shall include costs of counsel:

3.2 The reasonable qualifying and reservation and testifying fees of the following experts:

3.2.1 Dr LF Oelofse	Orthopaedic Surgeon for 26 October 2022
3.2.2 L Stehle nee Greyling	Occupational Therapists for 25 October 2022
3.2.3 B Moodie	Industrial Psychologist for 25 & 26 October 2022
3.2.4 Johan Sauer	Actuary for 25 October 2022
3.2.5 Claire Hearne	Clinical Psychologist for 25 October 2022

3.3 In the event of default on the costs payment, interest shall accrue on such

outstanding amount at the more rate of 3.5% above the repo rate on the date of taxation / settlement of the bill of cost, as per the Prescribe Rate of Interest Act, 55 of 1975, as amended, per annum, calculated from due date until the date of payment.

By Order of the Court

REGISTRAR