

**IN THE HIGH COURT OF SOUTH AFRICA
(TRANSVAALSE PROVISIONAL DIVISION)**

Case number: 31684/2003

Date: 26 May 2006

UNREPORTABLE

In the matter between:

ROAD ACCIDENT FUND

Plaintiff

and

SUSANNA MAGDALENA SMIT obo Zalizna

Respondent

LEAVE TO APPEAL JUDGMENT

PRETORIUS J.

I have considered the reasons for applying for leave to appeal by the Defendant.

I have perused the evidence and judgment again. I have also noted that Adv. Ferreira SC conceded during argument that the contingency post-morbid should be 60% and not 50%.

I am of the opinion that another Court will not come to a different conclusion having regard to all the evidence. My reasons for judgment are set out in the judgment.

I make the following order:

The application for leave to appeal is dismissed with costs.

A handwritten signature in black ink, appearing to read 'Pretorius', is written over a horizontal line.

Judge Pretorius

Case number	:	31684/2003
Heard on	:	26 May 2006
For the Applicant / Plaintiff Adv MM Lingerfelder	:	Adv NGD Maritz SC
Instructed by	:	Adams & Adams
For the Respondent / Defendant. Adv CM Dredge	:	Adv AC FerreiraSC
Instructed by	:	MSMM Inc.
Date of Judgment	:	26 May 2006