

## NYATHI NHLANHLA HOPEWELL v ROAD ACCIDENT FUND

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### LEGAL SUMMARY

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*Application- Leave to appeal – s 17 (1) (a) of the Superior Courts Act – Reasonable Prospects of Success – Compelling reasons for an appeal.*

The applicant, not satisfied with the order of the court granting him general damages and dismissing his claim for damages for loss of past and future earnings, brought an application for leave to appeal.

Court held that leave to appeal may only be given where the judge concerned is of the opinion that the appeal would have a reasonable prospect of success or if there is some compelling reason why it should be heard.

Considering the nature of the issues, regarding past and future loss of earnings and medical expenses, advanced by the plaintiff in his application for leave to appeal the court held that compelling reasons exist that warrant appellate interference.

In the result, application for leave to appeal to the full bench was granted.