REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA

(LIMPOPO LOCAL DIVISION, THOHOYANDOU)

CASE NO:108/2019

REPORTABLE

OF INTEREST TO OTHER JUDGES

REVISED

DATE: 14/03/2024

In the matter between:

M[...] M[...] G[...]
OBO M[...] T[...] B[...] **PLAINTIFF**

And

THE MINISTER OF BASIC EDUCATION **1ST DEFENDANT**

MEC OF DEPARTMENT OF EDUCATION
LIMPOPO PROVINCE **2ND DEFENDANT**

JUDGMENT

MONENEAJ

[1] The plaintiff claims damages on behalf of her then five-year old minor son arising from an incident on 26 January 2018 at Mutuwafhethu Primary School in Dopeni Village, Limpopo Province where the minor child while at school and during school hours fell into a burning schoolyard dumping hole and sustained severe burn wounds on his face, hands, legs, and several other parts of the body.

[2] The merits in the matter were settled on 24 May 2021 with the second defendant accepting 100% liability for the plaintiff's proven damages. The matter thus proceeds before this court pursuant to proving the quantum to be attached to those damages.

[3] The second defendant has made an interim payment towards those damages in the amount of R1 000 000.00(A million rands).

[4] Pursuant to quantifying the damages suffered the plaintiff led the oral expert testimony of an educational psychologist, an occupational therapist, and an industrial psychologist. For its part the second defendant led the oral expert evidence of an industrial psychologist as well as that of the erstwhile principal of the school where the triggering incident happened.

[5] It was agreed between the parties and accepted by the court that the balance of the expert reports will be admitted into evidence and argued upon in terms of uniform rule 38(2) which rule provides that:

> *"The witnesses at the trial of any action shall be orally examined, but a court may at any time, for sufficient reason, order that all or any of the evidence to be adduced at any trial be given on affidavit or that the affidavit of any witness be read at the hearing, on such terms and conditions* as *to it may seem meet..."*

[6] At issue are the following heads of damages:

[6.1] General damages

[6.2] Future Medical Expenses [6.3] Future loss of earnings.

THE EVIDENCE LED IN SUM

Ad the evidence of the plaintiff

[7] *Radzilani Khodani Ethel*

[7.1] She testified that she was an educational psychologist by profession and that she had performed a psycho-educational assessment of the plaintiffs minor son.

[7.2] Her findings were that because of the fire accident that the plaintiff's son had been subjected to, he had had a decline in cognitive functionality which made him perform below the average of his age group.

[7.3] She stated further that resulting from the sequelae of that incident the plaintiffs son would need specialized schooling or so-called remedial education.

[7.4] It was this witness' further testimony, relying on her export report, that owing to the unavailability of remedial or special schools in the region where the family stayed, the plaintiff's son("the child") was likely to go through normal schooling with great difficulty which could see him go as far as TVET post -matric training which training however, he was not much likely to complete.

[7.5] Relying on findings in her joint minute with her counterpart Mr M S Sinthumule who had been commissioned by the defendant, she indicated that although it remained a likelihood that the child would conclude TVET College up to at least NQF level 5, his learning difficulties meant that even with remedial interventions he would exceed the normal completion times by 2 to 3 months.

[7.6] Under cross-examination it was put to this witness that her science is at best speculation to which she readily agreed. It was further put to this witness that the objective evidence of the child's academic performance at school was not supportive of a finding that the child was struggling to which she did not offer any resistance other than insinuating that perhaps the education system employed at the school is itself faulty

[8] Petronella Radzuma

[8.1] This witness, an occupational therapist of about 16 years in practice, testified that the child was having burn marks on 20,5 % of the total body surface, was arising from the incident cognitively impaired and had poor concentration.

[8.2] The witness further testified that one further sequelae of the incident was hyper-activity on the part of the child which saw the child rushing through school concepts.

[8.3] Further testimony from this witness was that information provided to her and because of which she compiled her report was to the effect that the child suffered from urinary incontinence as a sequela of the burn incident. She had further been advised, she testified, that resulting from the incident the child was both a bully and a victim of bullying.

[8.4] Her expert reading of the situation was that the child would be a disadvantaged competitor in the open labour market and could thus only be gainfully employed owing to benevolence from sympathetic employers. She however lamented that there is a dearth of such sheltered employment in the country something which for the child in casu would be aggravated by lack of skills seeing that the child's prospects of acquiring skills were also limited.

[8.5] In cross-examination it was put to this witness that it may not necessarily be true that the child would not achieve market-relevant skills as the educational psychologist had testified that the child may attain NQF level 5 studies. The witness made a concession in that regard.

[8.6] It was further put to this witness that the factual background which informed her report was incorrect in the following respects:

8.6.1 That the child suffered from urinary incontinence as teachers at school who spent the longest time with the child had never experienced it.

8.6.2 That the child was a bully who was forever involved in scuffles with other pupils as the teachers had no record of such conduct.

[8.7] A key take home from the cross-examination of this witness by Ms Kgare on behalf of the defendant was that this expert witness, like all others, had spent very little time with the child in consultation as opposed to the child's daily teachers and should thus concede that where their expert opinion differed from the objective observations of teachers who spent the most time with the child, no probative value should be attached to the expert's opinion.

[8.8] In re-examination of this witness Mr Makuya on behalf of the plaintiff helped the court to glean the following:

8.8.1 While the pain and discomfort of the child's injuries may be ameliorated somehow, the child's functional prognosis would never be restored.

8.8.2 Although at the time of the trial some 25 months had passed since the incident the child still presented with functional and thus employment limitations which put him on the backfoot regarding choice of job and ability to hold on to a job so chosen within a very limited scope.

8.8.3 Reasonable accommodations from sympathetic employers of the kind this child will need upon reaching the age of employment are not practical for most employers in our open labour market.

[9] *Tryphina Sebaetiana Maitin*

[9.1] An industrial psychologist by profession, this witness' evidence was, in sum, the following:

9.1.1 The child's entry into the workplace will be delayed by two to three years.

9.1.2 In competing for employment he will have to overcome the shortcoming of his curriculum vitae being reflective of his slowness and will be manifestly disadvantaged thereby.

9.1.3 People like the child *in casu,* who presented with scars and deformities are generally rated, in employment seeking spaces, lower than so-called able-bodied persons.

9.1.4 The child's impaired fine motor movements on his nearly obliterated fingers would see him struggle with writing and typing.

9.1.5 Because of all these shortcomings, the child would be easily replaceable even if he was lucky enough to get employment in the first place.

[9.2] In all the above circumstances, this witness' expert opinion was that the child was virtually unemployable.

[9.3] Cross-examination of this witness traversed the same ground as what was put to the two experts who testified before this one in the sense of challenging the veracity of the facts which were availed to this witness, juxtaposing the expert opinion on the prospects of academic achievement versus the laymen objective evidence of the school teachers and their academic prospect reports and

suggesting that he could still be reasonably gainfully employed despite the injuries and sequelae thereof.

[9.4] The witness responded by casting aspersions on the quality of the education system which reported on the child as a good performer who did not need any intervention and stuck to her version that given the condition of the child he would still be virtually unemployable even if he gets some academic qualification.

[10] At this stage the plaintiffs counsel applied that the child be brought into the court room for the court to physically observe the injuries suffered by the child more so on the fingers if only to see first-hand what was captured in the photo album admitted into evidence by consent.

[12] There being no objection from the defendant the child was brought into court, not as a witness, but for the court to have a physical observation of the hands. This revealed serious and grave healed scars on the hands, with virtually no finger left unscathed. Essentially, the child no longer has functional fingers. It is just a mark of human resilience and adaptability that he can still hold a pen somehow. No one should, in this court's view, downplay the seriousness of the injuries and the near completeness in obliterating the child's hand functionality.

[13] The plaintiff then closed her case with Mr Makuya placing it on record that the balance of the expert reports not led into viva voce evidence would be factored into argument in terms of uniform rule 38(2).

Ad the second defendant's evidence

[14] *Lance Stanley Marais*

14.1 This witness testified that as an industrial psychologist he had compiled a report on the child without ever consulting with the child, something that he lamented greatly.

14.2 He indicated that he had premised his report on what he gleaned from the educational psychologist report. He deferred to most of what the plaintiffs industrial psychologist had testified to safe to refer to a few inconsequential differences between him and the other industrial psychologist as captured in the joint minute as follows:

> 14.2.1 He is of the view that the child will not be completely unemployable and argues that given the likelihood of the child attaining an NQF Level 5 qualification he could still compete albeit compromised and with recognizable limitations.
> 14.2.2 He acknowledges that the child's physical and cognitive impairments may disadvantage him but argues that that may be a blessing in disguise as it may see him benefit from employment space policies prioritizing the disabled.
> 14.2.3 He does not rate scars highly as something that affects employment fortunes and argues rather that they should only play a role when it comes to general damages.

14.3 In cross-examination, Mr Makuya for the plaintiff got this witness to make the following concessions:

> 14.3.1 That it was not ideal and much unhelpful for the expert to have drafted a report without seeing the child at all and that he did not have all the information he required to make his expert report.
> 14.3.2 That the child was because of the injuries suffered vocationally largely vocationally curtailed.
> 14.3.3 That the child had reached maximum medical improvement.

[15] *Cathrinre Tshifhulufheli Tshiovhe*

15.1 Now a pensioner, she testified that she was the principal of the school where the burn incident occurred at the time of the incident.

15.2 The purport and effect of her testimony was the following:

15.2.1 That the burn incident only affected the child's academic performance in 2019 when he failed.

15.2.2 That after that initial incident the child performed very well, easily passing grade 1, grade 2 and grade 3 in subsequent years such that, without any remedial intervention, he was at the time of the trial in 2023 in grade 4.

15.2.3 That the child was thus post the incident generally an above average academic performer. To that effect school progress reports were produced and handed up as evidence proving that indeed the child had passed fairly well.

15.2.4 That there was no record of disciplinary proceedings against or involving the child at the school.

15.2.4 That there was no record of the child ever had any urinary incontinence issues at school.

15.3 In cross examination the following was put to her to which despite responding confidently and extensively she gave no meaningful answer:

15.3.1 That her reports of what happened at school when she was principal were as good as what was reported to her, and she thus could not report on what was not brought to her attention.

15.3.2 That as principal she was in no position to witness all that was happening at school.

[16] The second defendant then closed its case.

[17] Both parties then addressed the court on quantum relating to the three heads of damages identified at the beginning of this judgement. They subsequently also submitted heads of argument for which I am grateful. I shall hereunder factor their submissions in the backdrop of the analysis of the evidence against the three heads of damages infra.

FUTURE MEDICAL EXPENSES

[18] This is the lowest hanging fruit regarding quantum for both parties as they agree that although maximum medical improvement has been reached the child will need medical attention to ameliorate pain and to help deal with psychological effects of the incident for life.

[17] According to the joint minute of urologists for both parties admitted into evidence in terms of uniform rule 38(2) the child still needs, inter alia, medical attention regarding urine incontinence management at the following costs:

17.1 Medication for 3-6 months costing about R3 800.00 per month.

17.2 10 sessions of pelvic floor physiotherapy estimated at R800.00 a session.

17.3 Cystoscopy at a cost of about R10 000.00.

17.4 Assessment of neuromuscular function of pelvic floor and bladder at a cost of R6 500.00.

[18] According to the joint minute of the parties' neurosurgeons the child still needs continuous neuropsychological interventions by a clinical psychologist.

[19] According to the joint minute of the parties' thoracic surgeons the child still needs extensive surgery for scarring and contractures as well as psychological assistance.

[20] According to the joint minute of the parties' Ear Nose and Throat(ENT) specialists the child needs to be on chronic treatment for the treatment of upper airway obstruction caused by inhalation burns as well as yearly evaluations of the airways by an ENT.

[21] According to the joint minute of the parties' orthopedic surgeons the child needs the continuous intervention of various medical practitioners inclusive of psychologists, plastic surgeons, hand therapist and general practitioners. The child also needs a surgery to manage his right ring and pinkie finger contractures at an amount computed in January 2023 as being no less than R80 000.00.

[22] The joint minute of the parties' psychiatrists opines that the child needs extensive psychiatric/psychological treatment on an ongoing basis inclusive of R6 000.00 annually for consultations and medication and R50 000.00 for 12 sessions of psychotherapy.

[23] In the light of all this irrefutable evidence testified to jointly by experts of both parties, the defendant's postulation on future medical expenses was R1,1 million rands while that of the plaintiff was R1,8 million rands.

[24] In address to the court Mr Makuya's submission that the court go for the mean between the two amounts was supported by Ms Kgare.

[25] I am inclined to agree with the parties' submissions on future medical expenses and accordingly find that the future medical expenses of the child be awarded at R1 450 000.00 being the mean of the two postulations.

GENERAL DAMAGES

[26] In the amended particulars of claim the plaintiff pleaded for general damages in the amount of R2 500 000.00.

[27] In submissions before me it was indicated that if the plaintiff was to revise her claim she would revise it to no lower than R2 000 000.00.

[28] The defendant's counter submission on general damages was R800 000.00.

[29] It is in my view unnecessary to restate the obvious fact that the child physical and psychological impairments have gravely diminished the quality of his life and his enjoyment of amenities of life. That it happened so early in his life at the age of five only serves to point out how extensive his problems are and are expected to be for life. That he has reached maximum recovery levels exacerbates the issue further such that the fullest possible redress for the harm cries out to be employed. I do not have to indicate the effect of the scaring and amputation of fingers on the child's future life, be in in love or in life in general for a very long lifespan. I do not have to highlight the psychological ramifications which are well-captured in the evidence that was led before me. Having physically observed the child's injuries on the fingers in court and the rest as per the photographs, I do not consider it necessary to go beyond noting the following regarding pain, suffering and loss of amenities of life:

29.1 He has been deprived of the right to play without inhibitions which every child has.

29.2 He will not find it to be routine to find a life partner in the current looks obsessed environment we live in.

29.3 He probably will struggle with as mundane things as putting a ring or rings on his fingers.

29.4 His injuries are irreversible and permanent, making his suffering and loss of amenities a lifelong sentence visited upon him by the defendant's admitted negligence.

[30] I take counsel from Moseneke DCJ in **Van der Merwe v Road Accident Fund and Another 2006(4) SA 230(CC)** at para 56 where in underscoring the purpose of awarding damages as not being retaliatory but salutary in the following words:

"What is crucial for the present purpose is that the law of damages recognizes special and general damages to afford the fullest possible redress for delictual harm. Both classes of damages seek to redress the deterioration or reduction of the quality or usefulness of a legally protected interest. In both cases the injured party loses something and receives money as reparation …"

[31] I am furthermore mindful of Farlam J's words in **Van Wyk v Santam Bpk 1998(4) SA 731(C) at paras 735 c-h** where he held that:

" ..., *an award of money cannot really compensate a plaintiff for pain and suffering, loss of amenities, distinguish, etc. There is indeed no norm for determining in monetary terms the extent of such general damages...* "

[32] I am alive to the limited role previous awards to general damages play in quantum determinations as it is now trite that no case is ever another's carbon copy. Still however I take under serious consideration what was held by Snellenburg AJ in **MJM obo LJM v The Road Accident Fund (4873/2019) Free State Division, Bloemfontein(15 June 2022) at para 24** as follows:

"In determining general damages, the awards in previous cases of similar facts and law are a useful guide. Consistency guarantees fairness. This does not by any measure imply that the court's discretion is replaced with a mechanical

approach. Each case is determined on its own facts and the court exercises its discretion with due consideration to those facts."

[33] In that vein therefore, I note, merely as guiding signposts, the following:

33.1 In **Mpulwane v Road Accident Fund (46661/2016) a Gauteng Division, Pretoria decision delivered on 25 October 2019("Mpulwane")** a plaintiff with burn wounds on 45 percent of her body and presenting with severe scarring, pain and reduced mobility attracted general damages of R700 000.00. The plaintiff therein was 45 years of age, much older than the child of five years *in casu* and clearly having burn scars of a higher degree than that of the child *in casu.* The current value thereof is R869 603.502.

33.2 In **Makupula v Road Accident Fund (1635/07)(2010] ZAECMHC 17(8 April 2010)** a child injured not from being burnt but of the age of the child *in casu* who presented with moderate brain injury, memory dysfunction, poor school performance and memory dysfunction but no visible physical scarring was awarded general damages of R300 000.00 which equates to R595 774.65 today.

33.3 Recently in this division in **Geldy Tiishetjo Mohlala v MEC for Health Limpopo Province(5028/2017) a Limpopo Division decision dated 25 February 2024** a plaintiff of 28 years of age who had suffered burn wounds which literally obliterated her breasts leaving her with scars which scared off potential suitors, psychological disorders and untold self esteem problems was awarded general damages of R400 000.00.

[34] I consider the comparative general damages authority referred to supra to be a bit on the conservative side. Given the permanency of the child's injuries and the lifespan still to be traversed with already stated loss of amenities of life as opposed to the lifespan of the plaintiff in **Mpulwane,** I hold that the amount for general damages in this matter should be a bit higher than that of a 45-year old.

[35] That said I find the general damages award proposed by the plaintiff in this matter, to wit, not lesser than R2 million rands to be very excessive and out of kilt with any guidelines from previous awards. I am disinclined to submit to the seduction of conflating general damages which are merely compensatory and not the subject of any computation norm with the more mathematically determinable special damages such as loss of earning capacity.

[36] Noting thus that the general damages amount proposed by the defendant in address before this court at R800 000.00 is although appearing to be reasonable slightly lower than the **Mpulwane** touchstone I referred to supra and given the age of the child *in casu* in relation to the ability to contend with and overcome the impact of the loss of amenities of life, pain and suffering currently endured and still to be endured for a long period of time, I find that a more reasonable figure for general damages in casu would be an amount of R1 100 000.00.

LOSS OF EARNINGS

[37] Counsel for both parties addressed this court in terms of uniform rule 38(2) in relation to loss of earning capacity premising their arguments on the actuarial calculations made by Wim Loots, the plaintiffs expert witness.

[38] In sum the actuary's computations as informed by preceding and already mentioned expert reports, more so by the joint minute of the Industrial Psychologists whose evidence has already been accounted for *supra,* came to two scenarios: the first postulating a loss of earnings of R7 228 262.00 and the second postulating a future loss of income of R957 330.00. No contingencies were factored into both amounts by the actuary.

[39] Counsel for the Plaintiff urged this court to disregard the second scenario completely as, he submitted, it is a scenario completely out of touch with evidence led. I

agree. The evidence led before this court, covered in the most part by joint minutes where there is very little that is not agreed to, paints a picture of a loss far in excess of the highly conservative amount of R957 330.00 which if broken down over about sixty years still to be lived by the child, whether or not he is subsequently employed, and life expectancy forever being a speculation, amounts to a paltry compensation of R15 955.50 a year which in turn speaks to R1 330.00 a month. In the light of all the evidence led before this court such an award would, in my view, be grossly inadequate and unfair on the child *in casu.*

[40] Counsel for the defendant's submission was to the effect that the second conservative scenario can be awarded, and its apparent unfairness mitigated by not ordering any contingencies on it. For the reasons already advanced immediately supra, I could not disagree more.

[41] The starting point therefore is the first scenario of the actuarial calculations which as expert evidence before me I have a duty to give serious consideration to and only deviate from for well-grounded reasons.

[42] As I understand the defendant's counsel's submissions before me, she would accept the second scenario only on condition that it is subjected to 25% contingency. I did not understand counsel for the plaintiff to be opposed to the factoring in of normal 25% contingency to the amount of R7228 262.00 postulated in the first scenario.

[43] A question which presented itself sharply during evidence and in arguments before me was what to make of a situation where experts like the educational psychologist and industrial psychologists on one side as experts say that the child will as a sequalae of the burn incident have learning difficulties which in turn may make his employability chances negligible and a lay person witness, like the school principal on the other side says that the child is doing very well academically and actually produces school reports to that effect.

[44] Whose version does a court accept when there is a stark variance between the opinion of an expert and the observations of a lay person, is a question to be asked. Ms Kgare on behalf of the defendant put it bluntly that I should reject the evidence of the experts' joint minutes accept the evidence of the now-retired school principal. So doing would, she argued, make me see the child as having not been negatively affected by the incident, at least regarding his capacity to complete his academic studies and his employability and thus award future loss of income conservatively. Mr Makuya countered that the expert evidence could not be gainsaid and further cautions that it is not available to the defendant to deny and disown the evidence of their own experts particularly that of their industrial psychologist who in the joint minute and in evidence before this court described the child's employment prospects as negligible.

[45] If I find that because the retired school principal spent more time at school to know if the child had urinal incontinence as a sequalae of the injuries sustained, I would have to throw out the expert opinion evidence, to the extent that evidence is premised on that factual point. I will then be saying that the parents of the child who fed whatever factual background to the expert witnesses had not reported accurately to the experts.

[46] If on the other hand I hold out the expert evidence as having more probative on the issue of the child's lack of academic process than the school reports presented by the defendant *in casu,* I shall have to either disbelief the school principal or rather cast doubt on the quality and efficacy of the education model to which the child is exposed, to wit, the black rural and township curriculum of which I am a product.

[47] The school principal admitted under cross-examination that her primary mission in coming to testify was to not admit to any wrongdoing and to deny everything that would suggest that she and the education department were to blame for anything. While the easy way out may be to point out to the glaring improbabilities in her evidence on peripheral issues such as to whether she was able to see everything transpiring in the school as she claimed, the objective facts as per the child's relatively good progression

at school post the burn incident, it is a tall order to negate the school reports which were entered into evidence by the defendant.

[48] This court is not tasked with determining whether our current education system particularly as offered to the black rural and township learner is efficient or merely less toxic as compared to apartheid's Bantu Education. But it cannot turn a blind eye to the fact that the current education system, which has been chopped and changed from Bantu to Outcomes Based Education and to another oddity called National Curriculum and Assessment Policy Statement("CAPS"), as it applies to the rural and township child has not been without problems. In fact, taking it further, this court is aware that the lead up to the LLB degree being turned from a four year to a five-year degree in some traditionally black universities was characterized in part by serious doubts about the efficacy of our education system as it applies to the black rural and township child.

[49] That then said, however, I do not have to digress that far to decide in this matter whose version to believe in a situation where the retired school principal's evidence is overwhelmingly throttled by the weight of no less than four experts two of which testified for the defendant. Furthermore, and indeed as counsel for the plaintiff Mr Makuya correctly argued, a party cannot be permitted to vacillate between thesis and anti-thesis by leading into the record expert testimony only to come and try and counter its own experts by calling a lay witness.

[50] I am thus inclined to reject the retired school principal Ms Tshifhulufheli Tshiabe to the extent that it contradicts the expert opinions of not only the plaintiff but the expert opinions of the defendant. This thus means that the expert reports and the joint minutes and in particular the actuarial calculation based thereon are not faulted in any manner or to any extent by this court.

[51] In **Southern Insurance Association v Bailie v NO 1984(1) SA 98(A) at 112E-114F** the approach applicable to the determination of loss of earning capacity was stated as follows:

> *"Any enquiry into damages for loss of earning capacity is of its nature speculative, because it involves a prediction as to the future, without the benefit of crystal balls, soothsayers, augururs or oracles. All that the court can do is to make an estimate, which is often a very rough estimate, of the present value of the loss..."*

[52] For augururs and oracles in the present day, I have educated guesses and/or opinions which include the actuarial calculations of Wim Loots whose two scenarios have already been reflected upon above. I am not inclined to deviate from the first scenario postulations therein made. I find them well reasoned and arising from the firm foundation of the joint minute of the industrial psychologists.

[53] Accordingly, I find that the plaintiff must be compensated for future loss of income in the amount of R7 228 262.00 to which amount a 25% contingency will be factored. That settles loss of earning capacity at R5 421 196.50. There was, as already stated *supra,* no dispute between the parties as to the percentage of contingencies.

[54] In all the above premises the following order is made:

54.1. The second defendant shall pay the plaintiff a total amount of R6 971 196.50 being damages suffered by the plaintiff arising from a fire burn incident which occurred on 26 January 2018 at Mutuwafhethu Primary School. The amount is computed out of R1 100 000.00 for general damages, R1 450 000 as future medical expenses and R5 421 196.00 for future loss of earnings from which R1 000 000.00 interim payment is lessed.

54.2. The amount mentioned in order 54.1 above shall, within 180 days of this order, be paid into the trust account of Madima M Attorneys Incorporated with the banking details as shall be provided by the plaintiffs attorneys of record to the defendant within 14 days of this order.

54.3 In the event of the aforesaid amount not being paid beyond the 180 days referred to in order 54.2 above, interest at the prescribed rate of interest shall immediately begin to run until date of final payment.

54.4 The second defendant is ordered to pay all the plaintiffs costs on a High Court scale which costs shall include the costs incurred by the plaintiff attendant to securing all plaintiff expert reports, the costs attendant to the expert testimony of Tryphina Sebaetjane Maitin, Khodani Ethel Radzilani and Petronella Radzuma as well as the costs of two counsel.

MS MONENE

ACTING JUDGE OF THE HIGH COURT,
LIMPOPO LOCAL DIVISION, THOHOYANDOU

APPEARANCES

Heard on:	*31st October,1st and Z,d November 2023*
Judgment delivered on:	*..... 2024*
For the Plaintiff:	*Adv. U B Makuya With him Adv. Magau*
	:Instructed by Madima Attorneys INC
Tel:	*015 969 1036*
Email:	*admin@madimainc.co.za*
For the Second Defendant:	*Adv. M N Kgare*
	:Instructed by State Attorney, Thohoyandou
Tel:	*_015 196 2633*