



REPUBLIC OF SOUTH AFRICA

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
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STATUS Immediate

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

CASE *Road Accident Fund v Z J Mkhize*
(Case No 557 / 03)

Media Statement

The Supreme Court of Appeal to-day upheld an appeal from a decision of a judge in the Durban High Court who decided that the claim of a passenger in a disabled tanker that capsized while being towed by a break-down truck when the truck negligently collided with a road-grader, was not subject to the limitation of R25 000 imposed by the Road Accident Fund Act of 1996 in case of injury to (or the death of) certain categories of passenger.

The Court held that in terms of the Road Accident Fund Act the driver of the tow truck should be considered to have been the driver of the disabled tanker as well. The plaintiff was therefore a passenger in one of the motor vehicles driven by the driver whose driving caused the injury to him. In the circumstances the injured passenger's claim against the Road Accident Fund was limited to R25 000

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