

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – 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 intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

L VENTER obo A KLAASEN v ROAD ACCIDENT FUND [2007] SCA 158 (RSA).

[1] Today the majority of the Supreme Court of Appeal upheld a claim by Ms Larina Venter, a Curator *ad litem* for Mr Arnold Klaasen, who had lodged a claim for damages for R1 479 570,26 against the Road Accident Fund. The claim arose out of a motor vehicle accident which occurred at Grabouw on 3 June 1995, when Mr Klaasen (who is a deaf-mute) was knocked down by a hit and run vehicle.

[2] The Road Accident Fund initially alleged that Klaasen had not been injured in a motor collision but had been assaulted. The Cape High Court (Allie J) upheld their version. The full bench of the Cape High Court reversed this finding, but while it found that Klaasen had in fact been injured in a hit and run motor accident, it dismissed his appeal on the grounds that it had not been proved that the driver of the hit and run vehicle had been negligent.

[3] In the further appeal to the Supreme Court of Appeal, the majority of the court accepted the evidence of Klaasen's relative, Mr Nigel Bosman, who had testified that the hit and run vehicle had mounted the kerb and struck Klaasen, while he stood on the pavement. Consequently the court found that the driver of the vehicle had been negligent and that the Road Accident Fund was liable to compensate Klaasen for whatever damages he might be able to prove.