



**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG LOCAL DIVISION, JOHANNESBURG**

**CASE NO: 26017/2016**

- (1) REPORTABLE: NO  
(2) OF INTEREST TO OTHER JUDGES: NO  
(3) REVISED.  
(4)

**1<sup>st</sup> November 2022**

.....

**Date**

.....

**ML TWALA**

In the matter between:

**STEVENS: SUSSAN CORNELIA SUSARAH  
PLAINTIFF**

**FIRST**

**BOTES: SHEREEN  
PLAINTIFF**

**SECOND**

**And**

**ROAD  
DEFENDANT**

**ACCIDENT**

**FUND**

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**ORDER IN TERMS OF RULE 42**

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**Delivered:** This order was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to Parties / their legal representatives by email and by uploading it to the electronic file of this matter on Case Lines. The date of the order is deemed to be the 1<sup>st</sup> November 2022.

**TWALA J**

- [1] On the 31<sup>st</sup> of October 2022 I handed down the judgment and order in favour of the plaintiffs and ordered the defendant to pay certain sums of money to both the plaintiffs for their claims of loss of support.
- [2] It has been brought to my attention by the legal representative for the defendant that, according to the judgment, a 15% contingency was to be applied on the future earnings of the deceased. However, when the order was made, the Court in error, did not apply the 15% contingency deduction on the future earnings of the deceased as it appears on the judgment in orders 1 and 2 of the judgment.

- [3] With hindsight and as an extra precaution, I have realised that, except to mention in the judgment that the defendant is 100% liable for the proven damages of the first plaintiff, I did not make an order in this regard.
- [4] In correcting the order of the 31<sup>st</sup> October 2022 in terms of Rule 42 of the Uniformed Rules of Court, I therefore amend the judgment by introducing a new order which should read as follows:
- [5] In the circumstances, I make the following order:
1. The defendant is liable for 100% of the proven damages of the first plaintiff;
  2. The defendant is to pay the first plaintiff a sum of R754 193.90 (Seven Hundred and Fifty-Four Thousand and One Hundred and Ninety-Three Rand and Ninety Cent);
  3. The defendant is to pay the second plaintiff the sum R448 520.90 (Four Hundred and Forty-Eight Thousand Five Hundred and Twenty Rand and Ninety Cent);
  4. The defendant shall pay interest on the sums mentioned in 2 and 3 above from 14 days after the date of this order at the prescribed morae rate of interest applicable from time to time, if payment of the amounts mentioned in 2 and 3 above is not made within 180 days of this order;
  5. The defendant is to pay the plaintiffs' costs of the action including costs of obtaining the actuarial report, which costs are to be agreed or taxed;
  6. The defendant shall pay the agreed or taxed costs of the plaintiffs within 14 days from the date of this order, if payment thereof is not made within 180 days from the date of taxation or agreement;

7. All the amounts payable by defendant to the plaintiffs shall be paid into the Trust Account of the plaintiffs' attorneys: Anton Myburgh Attorneys; Nedbank, Three Rivers Branch, Vereeniging, Account No: 1198766239 for the credit and benefit of the plaintiffs.

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**TWALA M L**

**JUDGE OF THE HIGH COURT OF SOUTH AFRICA**

**GAUTENG LOCAL DIVISION**

**Date of Correction: 1<sup>st</sup> November 2022**

**Date of Delivery: 1<sup>st</sup> November 2022**

**For the Plaintiffs: Mr AS Myburgh**

**Instructed by: Anton Myburgh Attorneys  
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antonmyb@gmail.com**

**For the Respondent: Advocate M Khan**

**Instructed by: State Attorney  
Tel:**

