

**THE SUPREME COURT OF APPEAL OF SOUTH AFRICA**

**JUDGMENT**

**Not Reportable**

Case no: 1102/2021

In the matter between:

**ROAD ACCIDENT FUND APPELLANT**

and

**M K M obo KM and TM RESPONDENT**

**CENTRE FOR CHILD LAW *AMICUS CURIAE***

**and**

In the matter between

**ROAD ACCIDENT FUND APPELLANT**

and

**N M obo CM and LM RESPONDENT**

**CENTRE FOR CHILD LAW *AMICUS CURIAE***

**Neutral citation:** *Road Accident Fund v M K M obo KM and Another*; *Road Accident Fund v N M obo CM and Another (with Centre for Child Law intervening as Amicus Curiae)* (1102/2021) [2023] ZASCA 50.

**Bench:** MAKGOKA, MOTHLE and HUGHES JJA and NHLANGULELA and MALI AJJA

**Summary:** Correction of patent error in the order.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**AMENDED ORDER**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

1 Paragraph 2.2 of the order under case number **1677/2019** is amended by the deletion of the word ‘Pretoria’ and the substitution thereof with ‘Johannesburg’.

2 Paragraph 3.2 of the order under case number **1928/2019** is amended by the deletion of the word ‘Pretoria’ and the substitution thereof with ‘Johannesburg’.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**JUDGMENT**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Makgoka JA (Mothle and Hughes JJA, Nhlangulela and Mali AJJA concurring):**

[1] Paragraphs 2.2 of the order granted under case number **1677/2019** on 13 April 2023 respectively, reads:

‘2 Sonya Meistre Attorneys are directed to submit a bill of costs in respect of their attorney-and-client fees to the Taxing Master of this court (Gauteng Division, Pretoria), within fifteen (15) days of this order.’

[2] Paragraphs 3.2 of the order granted under case number **1928/2019** on 13 April 2023 in the said appeal reads:

‘3 Sonya Meistre Attorneys are directed to submit a bill of costs in respect of their attorney-and-client fees to the Taxing Master of this court (Gauteng Division, Pretoria), within fifteen (15) days of this order.’

[3] On 2 May 2023 the attorneys who acted for the respondents in the high court drew to the attention of the Registrar of this Court that the said paragraphs, respectively, contained a patent error, namely that ‘Pretoria’ in the said paragraphs, should instead be ‘Johannesburg’. They accordingly sought the correction of the orders. This is clearly a patent error which may be corrected.[[1]](#footnote-1)

[4] It is accordingly ordered that:

1 Paragraph 2.2 of the order under case number **1677/2019** is amended by the deletion of the word ‘Pretoria’ and the substitution thereof with ‘Johannesburg’.

2 Paragraph 3.2 of the order under case number **1928/2019** is amended by the deletion of the word ‘Pretoria’ and the substitution thereof with ‘Johannesburg’.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**TATI MAKGOKA**

**JUDGE OF APPEAL**

1. *Firestone South Africa (Pty) Ltd v Genticuro A.G.* [1977] 4 All SA 600 (A); 1977 (4) SA 298 (A) at 307A-308A. [↑](#footnote-ref-1)