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**REPUBLIC OF SOUTH AFRICA**



**SOUTH GAUTENG HIGH COURT  
JOHANNESBURG**

**CASE NO: 24941/13**

(1)	REPORTABLE: YES / NO
(2)	OF INTEREST TO OTHER JUDGES: YES/NO
(3)	REVISED.
.....	.....
DATE	SIGNATURE

In the matter between:

**UJDUR: FERDINAND PETRUS**

Plaintiff

and

**ROAD ACCIDENT FUND**

Defendant

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**JUDGEMENT**

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**CARSTENSEN AJ:**

1. In this action, the Plaintiff instituted a personal injury claim against

the Road Accident Fund for past hospital and medical expenses, future hospital and medical expenses and related expenses, including past loss of earnings, future loss of earnings and general damages.

2. It was common cause that:

2.1. The collision occurred on the 16<sup>th</sup> of October 2010 at approximately 21h18 on Voortrekker Street, Daleview, Brakpan.

2.2. At that time, the Plaintiff was a minor and a passenger in the motor vehicle bearing registration letters and numbers [V.....] driven by his father, J Ujdur, the insured driver.

2.3. They were involved in a collision with the motor vehicle bearing registration letters and numbers [B.....] driven by E. Greyvenstein.

2.4. The Plaintiff has since become a major and by consent between the parties, I granted an amendment to reflect Ferdinand Petrus Ujdur as the Plaintiff, an adult male and consequential amendments to the particulars in paragraph 1. I also, by consent between the parties, granted an amendment for the capital amount claimed by the Plaintiff from R1.8 million to R4.8 million.

3. The question of liability was conceded by the Defendant.

3.1. The parties agreed that no apportionment was relevant and that general damages should be awarded in the amount of R250 000.00.

3.2. The Defendant had also given the usual statutory undertaking in respect of future medical and hospital expenses.

3.3. It was agreed that:

3.3.1. the Plaintiff suffered:

3.3.1.1. a laceration wound above the left knee with injury to the patella ligament;

3.3.1.2. a laceration wound to the left tibia nerve and extensor tendon;

3.3.1.3. as a result of the injuries the Plaintiff was hospitalised to have medical treatment, suffered pain, loss of amenities of life and was severely disabled;

3.3.2. the joint minutes of the experts could be admitted into evidence as far as the experts were in agreement;

- 3.3.3. the expert report of Naidoo contained in bundle C, pages 1 – 10, could be admitted in to evidence;
    - 3.3.4. had it not been for the accident, the Plaintiff would have become an artisan, in particular a welder or boiler maker;
    - 3.3.5. the Plaintiff was currently in grade 12 at school.
4. The issues which then remained to be determined at the trial related to past loss of earnings, past medical expenses and future loss of earnings which included the questions of contingencies, pre-injury and post-injury, retirement age and the nature and extent of the loss of earnings.
5. At the outset, I will deal with the issue of past medical expenses.
  - 5.1. During the course of the trial, in respect of the past medical expenses the Plaintiff handed up an account from Life Glynnwood Hospital in the amount of R20 545.86.
  - 5.2. The Defendant's counsel advised that she had no instructions to accept same.
  - 5.3. However, in light of the agreement between the parties regarding the status of the documents in the bundle, and the fact that this document was in the bundle and was

discovered, this I can't accept the Defendant's submission that counsel has "no instructions".

5.4. The account is clearly an account from the hospital in respect of the Plaintiff's hospitalisation and medical expenses in a total amount of R20 545.86.

5.5. In the result, I am of the view that the Plaintiff is entitled to past medical expenses in this amount.

6. The Plaintiff firstly led the evidence of Eleanor Bubb, a clinical and educational psychologist, who confirmed both the contents of her report and the agreements reached in the joint minutes. Her expertise were conceded by the Defendant.

6.1. She stated that prior to the accident, the Plaintiff was of average intelligence, was coping at school although he did have learning difficulties and that he was now a 19 year old in grade 12. She stated that he would have probably obtained a grade 12 and been able to study further in a technical field at an FET College to pursue his career as an artisan, welder or boilermaker. Dr Prag, in the joint minute, although he did not give evidence, agreed that the Plaintiff would have followed a more artisan / skills course at college to acquire skills to enhance his career potential.

6.2. Regarding his post-accident functioning, Mrs Bubb stated

that he would probably obtain a low level grade 12 and that the accident had exacerbated his learning difficulties. As a result of the trauma of the accident, the pain, the depression and PTSD symptoms that he now would probably not cope in an FET College, and would be limited to the type of work he is able to do because of his orthopaedic injuries.

- 6.3. He would not cope with office routine, or with the studies of a more academic nature such as an architect. He would now require greater structure, routine and supervision in the workplace than pre-accident, but could do “on the job” training.
- 6.4. Prag did refer to the orthopaedic and occupational therapist’s report regarding the limitations in the Plaintiff’s career field due to the injuries sustained and agreed that, to become an architect was unrealistic, post-accident.
- 6.5. Mrs Bubb gave unbiased, fair and impressive evidence stating that as a consequence of the accident, the Plaintiff suffered depression, pain, trauma and PTSD, was frustrated, irritable, had a lack of interest in any career, a lack of concentration, memory loss and feared he would hurt himself. He did not want to study or talk about the accident. He had persistent pain in his knee which

compounded his frustration, depression, lack of concentration. In fact, it appeared that this pain was chronic, affecting his ability to learn.

6.6. Bubb stated that he no longer had the capacity to sit down and work and if he wanted to study further, his lack of motivation would be an obstacle.

6.7. She stated that she could not accept the recommendation of the Defendant's industrial psychologist, Henry Van Blerk, who recommended that the Plaintiff could qualify as a draftsman. She felt that this would be prevented by the fact that it was a higher academic career path than an artisan, that he would battle to interpret instructions, that his maths was poor, that he had a low self-motivation and that the career required organisation and structural skills, which he did not have.

6.8. She doubted, greatly, whether he would be able to get the qualification and was of the view that he would not have even been able to achieve this qualification before the accident.

6.9. She stated further that for him to study further at an FET College, he would now struggle to cope unless the neuro-physiological defects relating to the trauma were dealt with in psychotherapy. The problem was that he was reluctant

to go to therapy, and thus he was unlikely to be compliant with any such therapy.

6.10. Bubb also felt that he would not cope with an office routine or an office bound job, but he could still cope with being an artisan. He would certainly qualify to be admitted to an FET College.

6.11. During cross-examination, Bubb conceded that prior to the accident he had difficulty with his peers and authority figures and he had fluctuating school results. He took a cocktail of pills for his exams, but she remained convinced that he would have completed grade 12 and successfully qualified from an FET College.

6.12. One must also appreciate that at the time of the accident, he was 15 years old and that in itself, in my view, as confirmed by Bubb, would affect his concentration, view of authority figures and fluctuating marks.

6.13. Bubb also reiterated that because of the neuro-physiological consequence of the accident, the pain, trauma, depression and PTSD he would now no longer cope. She was firm in her view that what he could have achieved prior to the accident, he can no longer achieve. In addition, his reluctance to attend therapy was a direct consequence of the neuro-physiological difficulties caused

by the accident, the pain, PTSD, trauma and the depression, all of which affect the brain functioning.

6.14. The suggestion by the Defendant that as a consequence of the accident he can achieve a higher level qualification (as a draftsman) than what he could have achieved before the accident is, in my view, fanciful.

7. Plaintiff thereafter led the evidence of Lisa Roets, industrial psychologist, who confirmed her report and also the agreements in the joint minute between herself and the Defendant's industrial psychologist, Van Blerk.

7.1. In the joint minutes, they agreed that the Plaintiff would have completed his grade 12 qualification and followed a technically inclined career as a qualified artisan.

7.2. Roets stated, in the joint minute, that the Plaintiff could have secured work in the corporate sector of the labour market, but Van Blerk contended, as he did in evidence, that the Plaintiff was more likely to find work in the non-corporate or informal sector of the labour market.

7.3. It was also common cause between the parties that subsequent to the accident, the Plaintiff would probably fail grade 12 as his term 2 average was 36%, whereas his term 1 average was 53%.

- 7.4. The difference was explained in that in term 1 no written examinations were conducted, but practical testing had been conducted and the Plaintiff coped far better with practical aspects, than with the academic aspects of his education.
- 7.5. Roets confirmed that before the accident his aptitude was technically orientated and concluded that he would have probably concluded grade 12 at his current high school and would have followed a technically inclined career path such as an artisan and that it was reasonable to accept his interests in becoming a welder or boilermaker for quantification purposes.
- 7.6. On completion of matric, she was of the opinion that the Plaintiff would have worked in a temporary or contract position for a period of 2 years while seeking apprenticeship, during this time he would have earned R2000.00 to R3000.00 per month. Thereafter, he would have been required to complete a 3 year apprenticeship and on the PE Corporate Services survey, would have earned the median of the salary scales for apprentice 1, apprentice 2 and apprentice 3 to quantify his loss of earnings for that time.
- 7.7. Following the completion of his apprenticeship, he would

have pursued a career as an artisan and she used the earnings of welder makers and boilers as benchmark for his earning potential. She stated he would have started on the lower quartile of these scales and progressed following a straight line approach to reach the upper quartile by the age of 45. That would have represented the ceiling of his earning potential. She also recommended that the average of the scales for welders and boilermakers be used for the calculations.

7.8. She stated that before the accident, he was in good health and would probably have been able to work until the retirement age of 65.

7.9. Roets took into account that as a consequence of the accident:

7.9.1. he ruptured the anterior cruciate ligament of his right knee;

7.9.2. sustained a deep laceration of the dorsum of the left foot;

7.9.3. demonstrates extreme poor gait;

7.9.4. will develop osteoarthritis in the right knee by the age of 40 years which would require a total knee replacement within 10 years to the onset

of arthritis, may require revision procedure within 15 to 20 years;

7.9.5. has been left with psychiatric and emotional difficulties and has been diagnosed with major depressive disorder;

7.9.6. as a result of his neuro-physical functioning, his overall ability fell within the average range, however, she accepted Bubb's report that with regard to her conclusions relating to his difficulties in respect of attention, working memory, receptive and expressive language, motor speed, physio-constructual skills, abstract reasoning, self monitoring, the ability to structure and organise work and the ability to inhibit response. Also that his pre-existing learning difficulties had been exacerbated by the trauma of the accident, the pain and the PTSD and that all of these would result in an obstacle to his educational prospects.

7.10. It was common cause that post the accident the Plaintiff would be suited for light work only, and would not cope with his original career path as a welder or boilermaker.

7.11. There was also no suggestion that an underwater welder

was ever a reasonable career path. She accepted that he was unlikely to cope with further tertiary studies and has been left with residual neuro-physiological, psychiatric, emotional and behavioural difficulties and that he is not considered to be suitable for work in an office environment, but will require structure, routine and supervision.

7.12. She stated that he will not fulfil his premorbid potential in terms of careers or earnings and at best, with the application of a higher than usual post-morbid contingency deduction, he may be able to secure work in a basic straight forward position, within the sedentary to light work category.

7.13. She also gave evidence that he has suffered a one year delay in entering the labour market and that with a low level matric, he would probably be able to secure employment in the informal sector of the labour market in an unskilled capacity for three to five years, earning between the lower quartile and median earnings in the informal sector, and then progressing to approximately median earnings.

7.14. Thereafter, he could secure employment as an unskilled worker in the non-corporate sector, earning an income

slightly higher than a median unskilled worker and progress within 5 years to the median and upper quartile earnings of unskilled workers.

- 7.15. She felt he may progress to a semi-skilled worker earning between the median and upper quartile of semi-skilled workers, but that his ceiling would be the average between a median and upper quartile for semi-skilled workers in non-corporate sector, at the age of 50 years.
- 7.16. During cross examination, Roets explained that the PE Corporate survey, on which she relied, was not only in respect of listed companies, but included companies between 1 and 50 employees. 17% of companies surveyed were public listed companies, 50% were private companies, 8% were in the public sector.
- 7.17. She also disagreed with the suggestion of Van Blerk that the Plaintiff could become a draftsman due to his lack of maths and science, in fact she stated although one does not have to excel to become artisan, as one could go to the FET College with a grade 9, attend to the practical component during onsite training, the theoretical component consists of only 12 weeks a year in college. Consequently, he would have easily coped with that prior to the collision.

- 7.18. The scarcity of welders and boilermakers would ensure that had he qualified, he would have obtained a well-paying job and in fact, it was common cause between the parties, that he would have been a boilermaker or welder.
- 7.19. She confirmed that he would have met the entry requirements for a trade college and his parents would have been in a position to support him in obtaining the qualification. She confirmed that welders and boilermakers were listed in the top 100 scarce skills occupation and consequently, there is no doubt in her mind that he would have been accepted into the trade and would have been sought after, even taking into account that he was a white male.
- 7.20. She stated that she had no doubt that he would have been able to get into a trade, despite the recorded learning difficulties, political climate, difficulty with authority, youth unemployment and a strong indication of this was that he had chosen a technical high school and had chosen not to follow an academic path.
- 7.21. She had no doubt that he would have found employment in the corporate sector.
- 7.22. During cross examination, she also confirmed that he now would have to find employment of a light sedentary nature,

of an unskilled type which has a technical component and although he suggested to Van Blerk that he wanted to be a draftsman, he neither had the ability, motivation or concentration to qualify for such a high level of skill. She also felt he would not be able to cope with the level of function required.

7.23. There was some debate about the confidentiality and resultant applicability of the PE Corporate Survey, she however gave evidence that the survey was conducted on a selection of 800 companies, twice a year, and although it was confidential, it was available to industrial psychologists. She felt that it was more accurate than the generic or widely used Robert Koch scale. She gave evidence that Robert Koch was a survey based on statistical data, compiled in 2000 and updated annually for inflation. Thus, although it is widely used, it was not as accurate or as relevant as the PE Corporate survey which is based on current scientific data.

7.24. She also gave evidence that the Robert Koch survey portion used by Van Blerk was in respect of the informal labour market, whereas the PE Corporate survey was in respect of the corporate market and after the accident, it was unlikely that the Plaintiff would obtain employment in

the corporate sector.

8. The Plaintiff then called Dr Naidoo, whose expertise was not in dispute and he confirmed his report and the joint minute. He then commenced giving evidence that as a consequence of the accident and the fact that the Plaintiff's functionality had been impaired for over 4 years, this had a limited effect on his mental state and the treatment suggested by Bubb would no longer assist the Plaintiff.

8.1. There was an objection to his evidence as this was not contained in his report. After hearing argument as to the objection, I provisionally allowed the Plaintiff to continue leading the evidence.

8.2. Adams, on behalf of the Defendant, effectively cross-examined Naidoo, pointing out that his suggestion in his report and recommendation that the Plaintiff undergo treatment was contrary to his evidence that he not feel that treatment would assist the Plaintiff. I am inclined to agree with Adams in this regard.

8.3. The other difficulty is that Naidoo attempted to explain this contradiction by the fact that at the time, he had not understood that the Plaintiff's injury to his knee was permanent. However, that is not an answer to his contradiction. At the time he had interviewed and assessed the Plaintiff, the Plaintiff had been injured for

approximately 4 years, suffered from depression, pain, PTSD and emotional trauma thus all the consequences had been evident for some time, as did the Plaintiff's attitude that he would not accept treatment. Consequently, in my view, Naidoo's evidence in the witness box was unhelpful. This does not of course effect the joint minute or the extent to which his report was admitted.

9. The Plaintiff's evidence was then interrupted as Adams informed me that Van Blerk was not available to give evidence on the Friday.

10. The Defendant then led the evidence of Van Blerk. He gave extensive evidence in a firm demeanour, but his evidence was mostly of a general nature and not specific to the Plaintiff's circumstances. In all, he was unconvincing.

10.1. Van Blerk, however, agreed that the Plaintiff's potential career path pre-accident was to be an artisan, welder or boilermaker and that it was unlikely for him to have become an underwater welder.

10.2. He gave evidence of various tests which he adopted in an attempt to support his contention that the Plaintiff had the ability to become a draftsman, however, he was adamant that the Plaintiff would only find employment in the non-corporate or informal sector.

- 10.3. In regard to his definition of non-corporate, he stated he meant small corporations such as close corporations.
- 10.4. He seemed to place an unwarranted weight on the fact that up to the age of 15, all the Plaintiff had wanted to do was play sport.
- 10.5. He agreed, however, that now the Plaintiff would not become an artisan, but stated that the Plaintiff could be a draftsman if he was motivated, focused and determined.
- 10.6. This seemed, in my view, to disregard the evidence of the experts reports who all tended to agree that the Plaintiff suffered from a lack of motivation, a lack of interest in a career path, depression and trauma all of which would interfere with his ability to obtain further qualification.
- 10.7. In cross-examination, Van Blerk conceded that there was a high probability that the Plaintiff would qualify as an artisan. When he was questioned on his opinion that the Plaintiff would become a draftsman, he immediately stated that this was not his opinion, but that it was something which the Plaintiff had stated he wanted to do. This seemed to contradict his report in which he stated it was his (Van Blerk's) evidence and opinion that the Plaintiff could become a draftsman. He conceded that if the Plaintiff decided to become a draftsman, his motivation

would be an obstacle. He also conceded that in the main, the tests that he applied were used on apprentices namely artisans and he conceded that a draftsman was in fact not an apprentice.

10.8. It seems to me that as a result, Van Blerk, on the basis of his tests, could not conclude that the Plaintiff had the ability to qualify as a draftsman.

10.9. Then Van Blerk's evidence became even more remarkable. He conceded that he based his opinion on internet searches, but did not recognise during cross-examination, any of the internet sites which were thereafter pointed out to him, were referred to in his report. This must raise a question mark in regard to the value of his report.

10.10. Furthermore, in cross-examination, he stated that he believed that the Kochs figures were of greater value than the PE Corporate survey, but he did not know when Robert Koch had last conducted a survey. He was of the view that Koch's survey, which he used, included small registered companies. When it was drawn to his attention that Koch himself, in his book, states that the figures on which Van Blerk relied related to the informal sector, being businesses which were not registered in any way, Van

Blerk seemed to be surprised.

10.11. Van Blerk also conceded in cross-examination that 65 was a more realistic retirement age as he said “not only do people live longer but work longer and were healthier in today’s environment”.

10.12. With a low level matric, he stated that the Plaintiff would have difficulty finding any employment. In fact, he seemed to state categorically that without further qualification, the Plaintiff would not achieve any employment. He also then accepted Roets’ evidence in respect of the payment of apprentices.

11. After Van Blerk’s evidence, the Defendant recorded that it admitted the Plaintiff’s calculations as set out in the actuarial report on page 111.

12. Thereafter, both the Plaintiff and Defendant closed their cases.

13. On the second day of trial:

13.1. the Defendant handed in an actuarial calculation and the calculations aspect thereof was accepted by the Plaintiff;

13.2. it was also recorded that in respect of past medical expenses, that it was not in dispute that the expenses were incurred.

14. In respect of whether the Plaintiff would have entered the corporate or informal sector, it seems to me that in truth both the Plaintiff's witnesses and Van Blerk agree that before the accident the Plaintiff would have entered the corporate sector. Van Blerk simply misunderstood what the corporate sector was.
15. There was nothing to dispute Roets' evidence that welders and boilermakers were in the 100 most scarce professions and consequently, on the probabilities, I find that the Plaintiff would have entered the corporate sector as an artisan, boilermaker or welder and would have achieved his qualifications three years after matric, reaching his earning ceiling at 45. It was also common cause that he would retire at the age of 65.
16. In regard the post-morbid position, I accept the evidence of the Plaintiff's witness that he would only receive a low level matric and that his injuries and consequences of the accident, meant that his motivation, concentration, PTSD, depression and pain will prevent him from obtaining any further qualification. This, together with his orthopaedic injuries, and persistent pain meant that not only was his prognosis not positive, but that he would have to undergo a knee replacement and would be precluded from doing usual artisan work.
17. I accept the uninjured earnings, in respect of his progression, set out by Whittaker, namely that:
  - 17.1. he would have completed grade 12 by the end of 2013;

- 17.2. he would have entered temporary contract employment on the 1<sup>st</sup> of January 2014, and his earnings have increased in line with inflation until December 2015;
  - 17.3. on the 1<sup>st</sup> of January 2016, he would have progressed to the median guaranteed package of apprentice 1 earning R85 000.00 per annum, a year later, as apprentice 2, he would earn R126 000.00 per annum;
  - 17.4. a year later, as apprentice 3, he would earn R131 000.00 per annum;
  - 17.5. a year later he would have progressed to the average lower quartile guaranteed package for welders and boilermakers, earning R267 000.00 per annum;
  - 17.6. at the age of 45 who attain a career ceiling R307 000.00 per annum.
18. The injured earnings progression I again accept the report of Whittaker who states that the Plaintiff would:
- 18.1. obtain a low level matric at the end of 2015 and enter employment on the 1<sup>st</sup> of January 2015, at which stage he would be an unskilled worker earning R12 100.00 per annum;
  - 18.2. after 4 years he would progress to the median wage for

unskilled workers in a non-corporate sector earning R17 400.00 per annum;

18.3. on the 1<sup>st</sup> of January 2020 he would progress to a higher than median wage earning R20 000.00 per annum;

18.4. after 5 years, he would progress to the average of the median and the upper quarter for unskilled workers in the non-corporate sector and earn R33 700.00 per annum;

18.5. at the age of 50, he would reach his ceiling of R88 750.00 per annum.

19. It seems also to be common ground that Roets' assessment of his post-morbid earning capacity could be accepted, although Van Blerk did contend that he would not earn any monthly income at all. It was also agreed in the joint minutes that he would suffer one year past loss of earnings. Consequently, his past loss of earnings should be calculated at R23 434.00 less a contingency of 5%, leaving the total of R22 262.00.

20. The Plaintiff then contended that in respect of future loss of earnings, and taking into account the evidence of Roets and Bubb, he would have earned R5 775 146.00 less a contingency deduction of 20%.

21. The contingency was agreed between the parties. This leaves his estimated value of income, uninjured, at R4 620 116.80.

22. The value of his income as injured I accepted to be R1 295 216.00, less a contingency of 30% (which was agreed between the parties), leaving an amount of R906 651.00. Consequently his total net loss amounted to R3 735 727.80.

23. To this amount must be added general damages of R250 000.00 and past medical expenses of R20 545.00, leaving a total capital claim of R4 006 273.60.

24. In light of the above, I make the following order:

24.1. The Defendant shall pay the sum of R3 735 727.80 (Three million Seven Hundred and Thirty Five Thousand, Seven Hundred and Twenty Seven Rand and Eighty Cents) to the trust account of the Plaintiff's attorneys, Erasmus de Klerk, in settlement of the Plaintiff's loss of earnings / earning capacity to be held in trust on behalf of the Plaintiff;

24.2. The Defendant shall pay the sum of R250 000.00 (Two Hundred and Fifty Thousand Rand) to the Plaintiff's attorneys, Erasmus de Klerk, in settlement of the Plaintiff's claim for general damages to be held in trust, on behalf of the Plaintiff.

24.3. The Defendant shall pay the Plaintiff's past Hospital and Medical expenses in an amount of R20 545.86 to the Plaintiff.

- 24.4. All amounts payable to the Plaintiff shall be paid by direct transfer into the Plaintiff's attorneys' trust account, to be held on behalf of the Plaintiff, details of which are as follows:

ERASMUS DE KERLK INC

ABSA Bank

Account number: [4.....]

Branch number: [6.....]

Rosebank

Ref.: J Erasmus/FERDINAND UJDUR

- 24.5. The capital amount payable by the Defendant will bear interest at the rate of 9% per annum calculated from and including the 15 (FIFTEENTH) calendar day after the date of this Order to and including the date of payment thereof.

- 24.6. The Defendant shall provide the Plaintiff with an Undertaking as envisaged in Section 17 (4) (a) of Act 56 of 1996, 100% for the costs of the future accommodation of the Plaintiff in a hospital or nursing home and such treatment, services or goods as the Plaintiff may require as a result of the injuries that the Plaintiff sustained as a result of the accident which occurred on 16 October 2010, as set out in the medico legal reports obtained on behalf of the Plaintiff, after such costs have been incurred and upon

proof thereof, which costs shall include:

- 24.6.1. The agreed or taxed cost to be incurred in the establishment of a trust to *inter alia* protect, administer and/or manage the capital amount and the proceeds thereof referred to above;
  - 24.6.2. The costs of the trustee in administering the capital amount referred to in paragraph 1 *supra* as determined by the Administration of Estates Act, Act 66 of 1965 (as amended), according to the prescribed tariff applicable to *curators* as reflected in the Government Gazette Notice R1602 of 1 July 1991, and in particular paragraphs 3(a) and 3(b) of the Schedule thereto;
  - 24.6.3. The costs of the furnishing of annual security in terms of section 77 of the Administration of Estates Act, Act 687 of 1965 (as amended).
- 24.7. The Defendant must make payment of the Plaintiff's taxed or agreed party and party costs on the High Court scale, including costs of senior-junior counsel and the following:-
- 24.7.1. All the cost of obtaining all medico legal/expert and actuarial reports from the Plaintiff experts

which were furnished to the Defendant;

24.7.2. The reasonable taxable preparation and reservation fees, if any, of the following experts of whom notice have been given, being:-

24.7.2.1. Dr Irsigler (RAF 4)

24.7.2.2. Dr. C. Barlin (Orthopaedic Surgeon);

24.7.2.3. Dr. M. Naidoo (Psychiatrist) ;

24.7.2.4. Eleanor Bubb (Educational Psychologist);

24.7.2.5. Alison Crosbie Inc – Jeanne Morland (Occupational Therapist);

24.7.2.6. Lisa Roets (Industrial Psychologist);

24.7.2.7. G.A. Wittaker (Actuary).

24.8. The above costs will also be paid into the aforementioned trust account.

24.9. The following provisions will apply with regards to the determination of the aforementioned taxed or agreed costs:-

24.9.1. The Plaintiff shall serve the notice of taxation on the Defendant's attorney of record;

24.9.2. The Plaintiff shall allow the Defendant 7 (SEVEN) court days to make payment of the taxed costs from date of settlement or taxation thereof;

24.9.3. Should payment not be effected timeously, Plaintiff will be entitled to recover interest at the rate of 9% on the taxed or agreed costs from date of allocator to date of final payment.

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**P L CARSTENSEN  
ACTING JUDGE OF THE  
HIGH COURT**

HEARD: 7 OCTOBER 2014  
DELIVERED: 16 OCTOBER 2014

COUNSEL FOR PLAINTIFF: ADV. D. COMBRINK  
INSTRUCTED BY: ERASMUS DE KLERK INC.  
REF: MS Z. GERBER

COUNSEL FOR DEFENDANT: ADV. ADAMS  
INSTRUCTED BY: MAYAT NURICK LANGA INC.  
REF: MR S TIMBER

(jmt.14.10.14)