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IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

CASE NO. 94/29002

In the matter between:

MOHLOMI, LEACH MOKELA

Plaintiff

and

MINISTER OF DEFENCE

Defendant

DEFENDANT'S SPECIAL PLEA

- 1 Plaintiff's cause of action is based upon the actions of a member of the South African Defence Force, who is alleged to have acted within the course and scope of his employment with the Defendant.

- 2 The said member consequently at all relevant times acted in pursuance of the provisions of the Defence Act, Act No. 44 of 1957 as amended ("the Act").

3 Plaintiff's cause of action arose on 2 May 1994 and action was
instituted on or about 3 November 1994.

4 Plaintiff failed to give due and timeous notice to Defendant of the
cause of action.

5 In the premises, Plaintiff's claim has become prescribed by virtue
of the provisions of Section 113 of the Act.

DEFENDANT'S PLEA

Defendant pleads as follows to Plaintiff's particulars of claim:

1 Ad Paragraph 1

Save for admitting the citation of Plaintiff, Defendant has no
knowledge of the further allegations herein contained and
consequently denies same.

2 Ad Paragraph 2

The allegations herein contained are admitted.

3 Ad Paragraph 3

The allegations herein contained are admitted.

4 Ad Paragraphs 4 and 5

Defendant has no knowledge of the allegations herein contained and consequently denies same.

5 Ad Paragraphs 6, 7 and 8

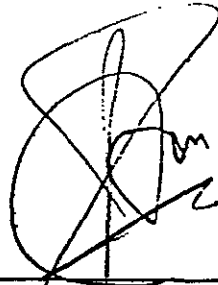
Defendant has no knowledge of the allegations herein contained and consequently denies same.

6 Ad Paragraph 9

Defendant denies each and every allegation herein contained as if specifically traversed.

W H E R E F O R E Defendant prays that Plaintiff's claims be dismissed with costs.

DATED at JOHANNESBURG this 14th day of DECEMBER 1994.



PANAYIOTIS STAIS
Defendant's Counsel



THE STATE ATTORNEY
Defendant's Attorneys
North State Building
Market Street
JOHANNESBURG
Ref: R Kostens

TO:

THE REGISTRAR OF THE ABOVE
HONOURABLE COURT
JOHANNESBURG


AND TO:

PHILIPPA KRUGER, ANN BERTELSMANN,
SHIRLEY WELSH, MARLEEN POTGIETER,
PETER JORDI, PATRICK O'DONOVAN,
SHEREEN MILLS, STEPHEN TUSON
Plaintiff's Attorneys
Campus Law Clinic
University of the Witwatersrand
West Campus
JOHANNESBURG
Tel: 716-5590
Ref: Mrs Harris

Received copy hereof this
day of ~~DECEMBER 1994~~

12th

January 1995



For : Plaintiff's Attorneys

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