

Supreme Court of Appeal of South Africa

**MEDIA SUMMARY– JUDGMENT DELIVERED IN 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*

***Madzunye & another v Road Accident Fund***

In a judgment delivered today, the Supreme Court of Appeal has upheld an appeal brought against a judgment of the Venda High Court, which absolved from liability a driver of a bakkie who executed a right turn at a robot-controlled intersection in the face of oncoming traffic, which had the right of way, thus forcing an oncoming vehicle, an Audi sedan, to swerve and collide with a stationary taxi on its correct lane, on the opposite side of the road.

The Supreme Court of Appeal held that the fact that the bakkie had not come into physical contact with either the Audi or the taxi was inconsequential – the evidence established that its manoeuvre was executed at an unsafe and inopportune moment and that its driver was thus causally negligent.

The Supreme Court of Appeal held that the Fund's opposition to the appeal, where the court *a quo* had so clearly misconstrued the issues, justified a punitive costs order against it.