

# **SUPREME COURT OF APPEAL OF SOUTH AFRICA**

## **MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

**TRANSNET LIMITED / ARLINDO DE ASSIS JANUARIO MAELA Case no: 39/07**

**From: The Registrar, Supreme Court of Appeal  
Date: 27 March 2008  
Status: Immediate**

***Please note that the media summary is for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal***

Mr Arlindo Maela sued Transnet Ltd for damages, alleging that he had been robbed and thrown off a train by the robbers while travelling between Angelo and Benoni stations. Transnet resisted the claim and relied on the evidence of a security guard employed by Transnet who testified that Maela had been reading, that he had been overcarried and had tried to disembark at Apex station by stopping the sliding doors from closing and jumping from the train after it had commenced moving.

The High Court, Johannesburg, had rejected the evidence of the security guard and found in favour of Maela. On appeal, the SCA found that this finding could not be justified on the evidence. The security guard had made a report of the incident a day or two after the event and had no reason to fabricate his evidence. It was also clear that Maela had fallen between the train and the platform at Apex station which was two stations beyond Benoni where he had intended to disembark. This fact was wholly inconsistent with Maela's evidence. Accordingly, the appeal was upheld and Maela's claim was dismissed with costs.

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