

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.

Sanna Suzan Oliphant v The Road Accident Fund

The Supreme Court of Appeal (SCA) today dismissed an appeal by Mrs Sanna Suzan Oliphant against a ruling of the Free State High Court which held that she did not have a claim against the Road Accident Fund for injuries that she apparently sustained in a motor vehicle accident. The injuries left her paraplegic.

The evidence showed that her husband, Mr Isaac Ndeleni Oliphant, who is the insured driver, had been investigating a problem with the engine of his vehicle, a 1970's Chevrolet Commodore, when according to him, a spanner slipped from his hand and dropped onto two electrical contact points of the vehicle's starter. This, he said, caused the vehicle to start unexpectedly and set off in reverse, knocking her over in the process.

The SCA found that if the accident had occurred as Mr Oliphant had described, it had been a 'freak accident' that was not foreseeable. In these circumstances the law could not find that Mr Oliphant was negligent, and the RAF liable, for Mrs Oliphant's injuries.