



PROVINCE OF KWAZULU - NATAL - ISIFUNDAZWE SAKWAZULU - NATALI
DEPARTMENT OF TRANSPORT
UMNYANGO WEZOKUTHUTHA

MEDIA STATEMENT

TO : ALL MEDIA
DATE : 13 April 2011

CABINET WELCOMES SUPREME COURT RULING ON SANI PASS CASE

KwaZulu-Natal provincial Government welcomed the decision by the Supreme Court of Appeal to uphold the appeal by the Provincial Government in the matter against Mr. Eastman John Murray and two others.

A husband and wife couple residing in Australia had sued the Government for R38-million in damages after a vehicle they were travelling in lost control and overturned at Sani Pass. The husband was rendered a paraplegic and the wife was also injured. It was alleged that prior to the accident and his incapacitation, the husband was a skilled electrician trading in his own business and the main breadwinner in the family.

They sued the provincial Department of Transport, alleging that it had failed to maintain properly roads under its control and that it had not displayed adequately signs to motorists reflecting inherently dangerous conditions.

The Department denied liability, arguing that any person using the road was required to exercise reasonable caution and diligence, and that the government had, within available resources, done what it could to improve the condition of this gravel road.

Briefing the cabinet today, MEC for Transport, Community Safety and Liaison, Willies Mchunu said this judgment must be a lesson to all motorists.

“Government had complied with the obligation of construction and maintenance of provincial roads, including Sani Pass. The particular road could not be upgraded during times of high levels of rainfall as this loosened the surface, creating more mud. Further, the road had been graded a month before the accident. It was also pointed out to the court that there were adequate signs pointing to any dangers that could arise. I also want to thank out legal team from the Department of Transport for the job well done,” said Mchunu.

The Bloemfontein Supreme Court of Appeal ruled in favour of the Government on March 2, 2011.

Cabinet has congratulated the legal team from the Department of Transport for the success in the court.

The financial resources available to the Government are limited. In our planning we move progressively to meet the competing demands and we cannot fix all the roads in KwaZulu-Natal at the same time. We are doing our best with the resources available.

For more information on the court ruling please contact: Mr Kwanele Ncalane – Dept of Transport Media Liaison: 0728031462/ 079 6995755

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