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Title: State must pay motorist made paraplegic by pothole

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■ COURT

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A POTHOLE in North West Province will cost the MEC of the Department of Public Works, Roads and Transport more than R26.6 million after a motorist was involved in an accident when she drove through the pothole, which left her a paraplegic.

The North West High Court, sitting in Mahikeng, ordered the department about three months ago to pay this amount to the plaintiff, only identified as Beauty. However, the department has to date not yet paid up.

Her attorney, Righardt Bezuidenhout, said the department promised that it would pay by yesterday. However, by the time of publication, she had not yet been paid.

When the department initially failed to pay, Bezuidenhout obtained an order to attach the assets of the provincial department, to sell at auction in a bid to receive payment.

The department, in the meantime, promised to make the payment in a bid to avoid its assets being sold at a public auction.

Bezuidenhout earlier managed to secure an order against the provincial department after proving that the pothole was the cause of the accident, in which Beauty was left a paraplegic. She lost control of her car in 2014 when she hit the massive pothole on a public road, and her vehicle overturned.

The provincial department was held responsible as it was proved to have been negligent for not fixing the pothole earlier. The court was told that the pothole had been there for some time and that it was fixed a few days after the accident.

The provincial department was held 100% liable for the damages she could prove she had suffered as a result of the accident. Beauty was a highly functional nurse prior to the accident,

but she was now left helpless and needs around-the-clock assistance.

During the second leg of the court case earlier this year, a host of experts were called in a bid to determine how much compensation Beauty should receive.

The damages claimed by her were for past medical expenses, future medical expenses, loss of earnings, and general damages.

In determining her damages, Deputy Judge President Tebogo Djaje considered the fact that Beauty was employed as a professional nurse at the time of the accident.

She had been in service for about 25 years.

Since the accident, she has not been employed and was medically boarded in 2016. She will not be able to return to work as she presents with a physical impairment of 77%, according to the orthopaedic surgeon.

Apart from being wheelchair-bound, she uses an indwelling catheter as well as nappies and is completely dependent on her daughter for assistance. The only physical activity that she can do is gardening to a limited degree.

According to the experts, the plaintiff will require extensive future treatment. Apart from spinal injuries, she also suffered a hip fracture, as well as shoulder and rib fractures. Her injuries further left her with several scars, and she lost four of her front teeth.

The court was told that the plaintiff will not benefit from scar revision surgery because of the nature and extent of her scars. She will be left with a considerable amount of scarring and disfigurement for the rest of her life.

She is at risk of developing further pressure sores in the future, which could require surgery and reconstruction, as well as wound care management and hospitalisation, the experts testified.