

COMBINED
SUMMONS

Case No.: 92/26551

In the Supreme Court of South Africa
(WITWATERSRAND LOCAL DIVISION)

In the matter between:

TOGMAID FRANCIS MOTLAUNG

Plaintiff.

and

THE MINISTER OF DEFENCE

Defendant.



To the sheriff or his deputy:

INFORM

THE MINISTER OF DEFENCE, cited herein in his official capacity, as being the person legally responsible for the conduct of members of the South African Defence Force, c/o the Chief of the South African Defence Force (Finance Division), South African Defence Force Headquarters, Dequar Road, Pretoria.

(hereinafter called the Defendant(s)) that

TOGMAID FRANCIS MOTLAUNG, an adult unemployed male, whose date of birth is 11 April 1969, resident at F179 Phola Park, TOKOZA.

(hereinafter called the Plaintiff(s)), hereby institutes action against HIM in which action the Plaintiff(s) claim the relief and on the grounds set out in the particulars annexed hereto.

INFORM the Defendant(s) further that if Defendant(s) disputes/dispute the claim and wishes/wish to defend the action, the Defendant(s) shall -

- (i) Within 1 month ~~days~~ of the service upon the Defendant(s) of this summons, file with the registrar of this Court at Room 007, Supreme Court Building, Pritchard Street, JOHANNESBURG.

Notice of Defendant(s) intention to defend and serve a copy thereof on the Attorneys of the the Plaintiff(s), which notice shall give an address (not being a post office or poste restante) referred to in rule 19 (3) for the service upon the Defendant(s) of all notices and documents in the action.

- (ii) Thereafter and within twenty days after filing and serving notice of intention to defend as aforesaid, file with the registrar and serve upon the Plaintiff(s) a Plea, Exception, Notice to strike out, with or without a Counter-claim.

INFORM the Defendant(s) further that if the Defendant(s) fails/fail to file and serve notice as aforesaid, Judgment as claimed may be given against the Defendant(s) without further notice to the Defendant(s), or if having filed and served such notice, the Defendant(s) fails/fail to plead, except, make application to strike out or counter-claim, Judgment may be given against the Defendant(s)

AND immediately thereafter serve on the Defendant(s) a copy of this Summons and return the same to the Registrar with whatsoever you have done thereupon.

DATED at JOHANNESBURG this 30th day of SEPTEMBER 19 92.

M. Doost

^ Registrar of the Supreme Court

C. H. Nicholls

NICHOLLS, CAMBANIS & SUDANO
Attorneys of Plaintiff(s),
23rd Floor, Kine Centre
141 Commissioner Street
JOHANNESBURG
Ref. Ms C H Nicholls

ANNEXURE "A"

PARTICULARS OF CLAIM

1. Plaintiff is TOGMAID FRANCIS MOTLAUNG, an adult unemployed male, whose date of birth is 11 April 1969, resident at F179 Phola Park, Tokoza.
2. Defendant is the MINISTER OF DEFENCE, cited herein in his official capacity, as being the person legally responsible for the conduct of members of the South African Defence Force, c/o the Chief of the South African Defence Force, (Finance Division), South African Defence Force Headquarters, Dequar Road, Pretoria.
3. On or about 8 April 1992, and at Phola Park, Tokoza, the Plaintiff was unlawfully assaulted, by a member, or members, of the South African Defence Force, acting within the course and scope of their employment with the Defendant.
4. As a consequence of this assault, Plaintiff sustained injury as follows:-
 - 4.1 bullet entry and exit wounds in left arm;
5. The disabilities suffered by plaintiff as a result of the injuries are as follows:-
 - 5.1 temporarily hospitalised for a period of four days;
 - 5.2 permanent inability to lift heavy objects, resulting in a 20% loss in earnings capacity, for work requiring manual agility.

6. As a result of the bodily injuries sustained, Plaintiff has suffered damages in the amount of R425 000,00.
7. Such damages are computed as follows:-

LOSS OF FUTURE EARNING CAPACITY

7.1 Plaintiff has lost earning capacity in the amount of R355 000,00 based on the following:-

7.1.1 Plaintiff has an expected working future of 47 years;

7.1.2 he anticipates earning R900 per month over his working life;

7.1.3 A 30% deduction has been allowed as a contingency.

PAIN AND SUFFERING AND LOSS OF AMENITIES OF LIFE AND CONTUMELIA

7.1 For pain and suffering, loss of amenities of life and contumelia, damages in the amount of R40 000,00.

DISFIGUREMENT

7.2 the carriage of plaintiff's arm is permanently disfigured, giving rise to damages on the amount of R30 000,00.

8. In the premises Defendant is liable to Plaintiff in the amount of R425 000,00
9. Despite demand, Defendant fails or refuses to pay the above amount of any portion thereof.

WHEREFORE PLAINTIFF CLAIMS

- i) the amount of R425 000,00.
- ii) interest on the above amount at the rate of 18.5% per annum as from 14 days of date of judgment to date of payment.
- iii) costs of suit;
- iv) further and/or alternative relief

DATED AT JOHANNESBURG THIS ^{18th} DAY OF SEPTEMBER 1992.

D J M Pitman

D J M PITMAN
COUNSEL FOR PLAINTIFF

C Nicholls

NICHOLLS AND CAMBANIS
PLAINTIFF'S ATTORNEYS
23RD FLOOR, KINE CENTRE
COMMISSIONER STREET
JOHANNESBURG
REF: VS/PP/43

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/26551

In the matter between:

MOTLAUNG, Togmaid Francis

Plaintiff

and

MINISTER OF DEFENCE

Defendant

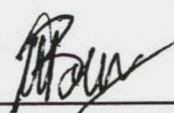
NOTICE IN TERMS OF RULE 28(5)

TAKE NOTICE THAT:

- (a) as the Defendant filed a Notice of Intention to Amend its Plea on 9 March 1993; and
- (b) as no objection was made in writing to this said notice of amendment;

the Defendant hereby files the amended pages to its Particulars of Claim.

DATED AT JOHANNESBURG ON THIS 1st DAY OF APRIL 1993.



STATE ATTORNEY
Defendant's Attorneys
888 Royal St. Mary's Bldg
85 Eloff Street
JOHANNESBURG
Ref: Mr Bowen/
6672/92/P5
Tel: 29-2961

TO: **THE REGISTRAR OF THE ABOVE
HONOURABLE COURT
JOHANNESBURG**

AND TO: **NICHOLLS & CAMBANIS**
Plaintiff's Attorneys
23rd Floor
Kine Centre
Commissioner Street
JOHANNESBURG
Ref: VS/PP/43

Received copy hereof on this the
.....² day of April 1993.



for: **Plaintiff's Attorneys**

WITHOUT PREJUDICE
TO RIGHTS

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/26551

In the matter between:

MOTLAUNG, Togmaid Francis

Plaintiff

and

MINISTER OF DEFENCE

Defendant

**DEFENDANT'S AMENDED PLEA TO PLAINTIFF'S
PARTICULARS OF CLAIM**

1. AD PARAGRAPH 1:

Save to admit that Plaintiff is **Togmaid Francis Motlaung**, Defendant has no knowledge of the remaining allegations contained in this paragraph, accordingly denies same and puts Plaintiff to the proof thereof.

2. AD PARAGRAPH 2:

Defendant admits the contents of this paragraph.

3. **AD PARAGRAPH 3:**

3.1 Defendant denies the contents of this paragraph and puts Plaintiff to the proof thereof.

3.2 Alternatively and in the event of the Honourable Court finding that Defendant assaulted Plaintiff by shooting Plaintiff (which is denied) and thereby causing Plaintiff to sustain the injury as set out in paragraph 4.1 of Plaintiff's Particulars of Claim, Defendant pleads that:

3.2.1 the shooting was in self-defence; alternatively

3.2.2 the Plaintiff was shot and injured in cross-fire under circumstances where shots were being fired at members of the Defence Force, who returned fire in self-defence. Defendant furthermore pleads that the shooting by members of the Defence Force was necessary, reasonable and justifiable in order to avoid the threat of imminent peril, as stated above.

3.3 Alternatively and in the event of it being found that the Plaintiff

was shot by a member or members of the South African Defence Force, then the Defendant pleads as follows:

3.3.1 In terms of Government Notice No. 13519, Proclamation No. R2242 of 9 September 1991, the Minister of Law and Order in terms of Section 5A(1) of the Public Safety Act, No. 3 of 1953, declared that public disturbance, disorder, riot and public violence were occurring or threatening in **inter alia** the Tokoza area, as demarcated and described in Government Notice No. 511 of 10 April 1959, as amended, as from 9 September 1991. In terms of Proclamation No. R2243, 1991, of 9 September 1991, the Minister of Law and Order in terms of Section 5A of the Public Safety Act proclaimed certain regulations ("*the Regulations*"). Proclamations R2242 and R2243 were valid and in force on 8 April 1992.

3.3.2 Regulation 12(1) of the Regulations provides that no civil proceeding shall be instituted against any member of the Cabinet of the Republic of South Africa or any member of a Security Force by reason of any act in good faith advised, commanded, ordered, directed or performed by any person in the carrying out of his duties or the exercise of his powers or the performance of his

functions in terms of the Regulations as therein more fully provided, with the intent to combat or to prevent public disturbance, disorder, riot or public violence or to maintain or to restore public order or for dealing with any circumstances which in his opinion have arisen or are likely to arise as a result of such public disturbance, disorder, riot or public violence or the combating or prevention thereof.

3.3.3 The Defendant is a member of the Cabinet of the Republic of South Africa.

3.3.4 The member or members of the South African Defence Force, as alleged by the Plaintiff to have shot the Plaintiff, was a member/were members of a Security Force, as provided for in the Regulations.

3.3.5 The place at Phola Park, Tokoza, where the shooting allegedly took place, is a place where the said Proclamations were valid and binding as at 8 April 1992.

3.3.6 The shooting of Plaintiff was an act in good faith advised, commanded, ordered, directed or performed

by a person or persons in the carrying out of his/their duties or the exercise of his/their powers or the performance of his/their functions in terms of the Regulations, as more fully provided in Regulation 12(1).

3.3.7 In the premises the Plaintiff has no cause of action as alleged and is not entitled to institute the said action.

4. **AD PARAGRAPH 4:**

Defendant denies the contents of this paragraph and puts Plaintiff to the proof thereof.

5. **AD PARAGRAPHS 5, 6, 7 and 8:**

Defendant denies the contents of these paragraphs and puts Plaintiff to the proof thereof.

6. **AD PARAGRAPH 9:**

Defendant admits a demand and a failure or refusal to pay, but pleads that

Defendant is not legally liable to pay the amount claimed or any portion thereof.

WHEREFORE Defendant prays that Plaintiff's claim be dismissed with costs.

PH 466
IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

CASE NO : 92/26551

In the matter between : -

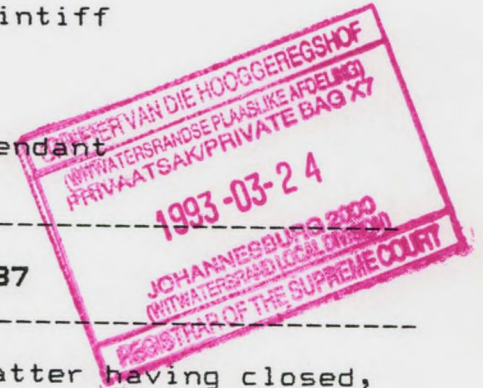
MOTLAUNG, Togmaid Francis

Plaintiff

and

THE MINISTER OF LAW AND ORDER

Defendant



NOTICE IN TERMS OF RULE 37

KINDLY TAKE NOTICE that Pleadings in this matter having closed, the Defendant is hereby requested to attend a conference at a mutually convenient time and place with the object of reaching a agreement of possible ways of curtailing the duration of the Trial in this action and in particular as to all or any of the matters mentioned in Rule 37(1)(a) of the rules of the Above Honourable Court.

DATED at JOHANNESBURG on this the ⁵ day of JANUARY 1993.

C. Nicholls

NICHOLLS, CAMBANIS,
AND SUDANO
ATTORNEYS FOR PLAINTIFF
23RD FLOOR, KINE CENTRE
141 COMMISSIONER STREET
JOHANNESBURG
REF : VS/PP/43

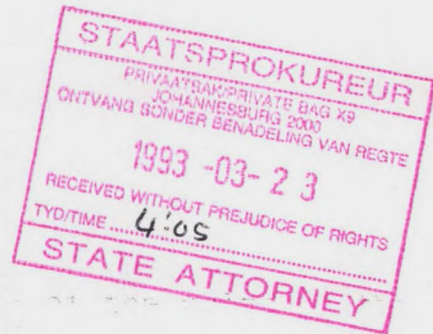
TO : THE REGISTRAR OF THE ABOVE
HONOURABLE COURT

AND TO : THE STATE ATTORNEY
DEFENDANTS ATTORNEYS
888 ROYAL ST.MARY'S BUILDING
85 ELOFF STREET
JOHANNESBURG
REF : Mr.Bowen/6672/92/P5

Received copy hereof on this
the 23 day of ~~JANUARY~~ 1993.
march

[Signature]

FOR : DEFENDANT'S ATTORNEYS



IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/26551

In the matter between:

MOTLAUNG, Togmaid Francis

Plaintiff

and

MINISTER OF DEFENCE

Defendant

NOTICE OF INTENTION TO AMEND DEFENDANT'S PLEA

BE PLEASED TO TAKE NOTICE that Defendant intends to amend his Plea as follows:

1. By deleting the citation of the Defendant as "*Minister of Law and Order*" and by substituting it with "*Minister of Defence*".
2. By the addition of paragraph 3.3 to paragraph 3 of Defendant's Plea (ad paragraph 3 of Plaintiff's Particulars of Claim):

"3.3 Alternatively and in the event of it being found that the Plaintiff was

shot by a member or members of the South African Defence Force, then the Defendant pleads as follows:

3.3.1 In terms of Government Notice No. 13519, Proclamation No. R2242 of 9 September 1991, the Minister of Law and Order in terms of Section 5A(1) of the Public Safety Act, No. 3 of 1953, declared that public disturbance, disorder, riot and public violence were occurring or threatening in *inter alia* the Tokoza area, as demarcated and described in Government Notice No. 511 of 10 April 1959, as amended, as from 9 September 1991. In terms of Proclamation No. R2243, 1991, of 9 September 1991, the Minister of Law and Order in terms of Section 5A of the Public Safety Act proclaimed certain regulations ("the Regulations"). Proclamations R2242 and R2243 were valid and in force on 8 April 1992.

3.3.2 Regulation 12(1) of the Regulations provides that no civil proceeding shall be instituted against any member of the Cabinet of the Republic of South Africa or any member of a Security Force by reason of any act in good faith advised, commanded, ordered, directed or performed by any person in the carrying out of his duties or the exercise of his powers or the performance of his functions in terms of the Regulations as therein more fully provided, with the intent to combat or to prevent public disturbance, disorder, riot or public violence or to maintain or to restore public order or for dealing with any circumstances which in his opinion have arisen or are likely to arise as a result of such public disturbance, disorder, riot or public violence or the combating or prevention thereof.

- 3.3.3 *The Defendant is a member of the Cabinet of the Republic of South Africa.*
- 3.3.4 *The member or members of the South African Defence Force, as alleged by the Plaintiff to have shot the Plaintiff, was a member/were members of a Security Force, as provided for in the Regulations.*
- 3.3.5 *The place at Phola Park, Tokoza, where the shooting allegedly took place, is a place where the said Proclamations were valid and binding as at 8 April 1992.*
- 3.3.6 *The shooting of Plaintiff was an act in good faith advised, commanded, ordered, directed or performed by a person or persons in the carrying out of his/their duties or the exercise of his/their powers or the performance of his/their functions in terms of the Regulations, as more fully provided in Regulation 12(1).*
- 3.3.7 *In the premises the Plaintiff has no cause of action as alleged and is not entitled to institute the said action."*

The Defendant tenders the wasted costs (if any) occasioned by the proposed amendment and subsequent amendment, save for the costs of opposition thereof.

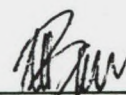
BE PLEASED TO TAKE FURTHER NOTICE that unless objection in writing is made

to the proposed amendment within ten (10) days, the Defendant will amend the pleading in question accordingly.

TAKE NOTICE FURTHER that if no objection in writing be so made, the Plaintiff shall be deemed to have agreed to the amendment.

If objection be made within the said period in terms of Rule 28(4) of the Rules of Court, the Defendant shall within ten (10) days of the receipt of such objection, apply to Court on notice for leave to amend and shall set the matter down for hearing.

DATED AT JOHANNESBURG ON THIS 5th DAY OF MARCH 1993.

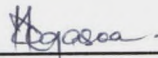


STATE ATTORNEY
Defendant's Attorneys
888 Royal St. Mary's Bldg
85 Eloff Street
JOHANNESBURG
Ref: Mr Bowen/
6672/92/P5
Tel: 29-2961

TO: **THE REGISTRAR OF THE ABOVE
HONOURABLE COURT
JOHANNESBURG**

AND TO: **NICHOLLS & CAMBANIS**
Plaintiff's Attorneys
23rd Floor
Kine Centre
Commissioner Street
JOHANNESBURG
Ref: VS/PP/43

Received copy hereof on this the
...15... day of March 1993.



for: **Plaintiff's Attorneys**

WITHOUT PREJUDICE
TO RIGHTS

PH 466
IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

CASE NO : 92/26551

In the matter between : -

MOTLAUNG, Togmaid Francis

Plaintiff

AND

THE MINISTER OF LAW AND ORDER

Defendant

REPLY TO NOTICE IN TERMS OF RULE 36(4)

BE PLEASED TO TAKE NOTICE that the Plaintiff hereby attaches relevant medical records as requested by the Defendant.

DATED at JOHANNESBURG on this the 8 day of DECEMBER 1992.

C. Nicholls

NICHOLLS, CAMBANIS &
SUDANO
PLAINTIFFS' ATTORNEYS
23RD FLOOR, KINE CENTRE
141 COMMISSIONER STREET
JOHANNESBURG
REF : VS/PP/43

TO : THE REGISTRAR OF THE ABOVE
HONOURABLE COURT
JOHANNESBURG

AND TO : STATE ATTORNEY
DEFENDANT'S ATTORNEYS
8TH FLOOR, ROYAL ST.MARY'S BLDG
85 ELOFF STREET
JOHANNESBURG
MR.BOWEN/6672/92/P5

Received copy hereof on this
the 10th day of DECEMBER 1992.



BUIEPASIËNT- EN/OF ONGEVALLE AFDELING OUT-PATIENT AND/OR CASUALTY DEPARTMENT

Hospitaal • Hospital

Naam voluit / Name in full: **FRANCE MOTOYING**

Huisadres / Residential address: **F 179 PHOLA PARK
MOKOZA 1421**

Huwelikstaat / Marital state: **U** Geslag / Sex: **M** Ras / Race: **B**

Beroep / Occupation: **U/E** Ouderdom / Age: **1969**

Naam en adres van werkgever / Person responsible for payment of Account: **SELF**

Pasiëntno. / Patient No.: **24299/92**

Datum / Date: **13-03-92** Vm. / a.m.: **13H** nm. / p.m.: **35**

Opgeneem / Admitted: **13-03-92**

Indeling / Classification: **H1**

Dr.:

SLEGS VIR AFSKEURSTROKIES (Kwitansies en rekening) FOR COUNTERFOILS ONLY (Receipt and account)

Naam van siekefonds / Name of sick fund: **U/E** S/F. No.:

* Jaarlikse Gesinsinkomste uit alle bronne / Annual family income from all sources

Broodwinner / Breadwinner: R. **NO INKOM**

Vrou / Wife: R.

Ander afhanklikes / Other dependants: R.

Totaal / Total: R.

* Getal persone in gesin (broodwinner insluitend) / Number of persons in household (including breadwinner):

Meld ouderdomme van afhanklikes / State ages of dependants:

Rede vir afhanklikheid / Reason for dependence:

(* Minderjariges van 16 jaar en ouer wat selfonderhoudend is, moet uitgesluit word) / (* Minor children of 16 years and older who are self-supporting are to be excluded).

Datum van ongeluk/besering / Date of accident/injury: Tyd / Time:

Ingestuur deur / Sent in by: Geteken / Signed:

Opnemingsbeampte / Admitting Officer: **[Signature]**

Datum • Date	Datum • Date	Datum • Date
Verskuldig Owing Datum / Date: 13-03-92	R10 00	Verskuldig Owing Datum / Date: 13-3-92
306907		306903

Die aard van die pasiënt se siekte mag vir rekeningdoeleindes tygestel word.
The nature of the patient's illness may be disclosed for accounting purposes.

Getuie / Witness: Geteken / Signed:

Datum • Date: **13-03-92**

Klagte / Complaint: **GUNSHOT**

Huidige siekte / Present illness:

ONDERSOEK/BEHANDELING/VORDERING EXAMINATION/TREATMENT/PROGRESS

Datum • Date: **13/3**

Communated # upper end of left radius. Bullet impregnated. Refd to P.O.P. clinic.

Nervolg agterop • Continued overleaf

Casualty case - admission for debridement + P.O.P. **[Signature]**

ONDERSOEK/BEHANDELING/VORDERING (Vervolg)
 EXAMINATION/TREATMENT/PROGRESS (Continued)

Dateer elke inskrywing • Date each entry

Datum
Date

△ Communitie, undisciplined
 # GSW proximal (L) RADII
~~Debindant of R.A.~~
 (13.3.92)

DOP: 13/3/92

DOD: 16/3/92

POP A/E (L) ARM

T.C.B. on 23 March 92

23/3/92

Circulation - No. clinical signs

x Ray (L) / x-ray / wrist

Positieve röntg.

T.C.B. - 13.4.92

ly

HOSPITAAL
HOSPITAL

AFDELING
WARD

Pasiënt • Patient

Pasiëntnommer
Patient's Number

Ouderdom
Age

Indeling
Classification

24299

Datum Date	Voorskrif besonderhede Details of prescription	Hoeve. Jit. Qty. Issd.	Apteker Pharmacist
16.3.92	Rub - Rub.	of equivalent	
		or equivalent	
	Amoxiclox 500 mg qid Parvado 2 tabs Tds	of equivalent	/ 7 days
		or equivalent	
	POD A/E (L) ARN	of equivalent	
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As hierdie woorde "of ekwivalent" nie deur die voorskrywer geskraap word nie dui dit aan dat die goedgekeurde generiese ekwivalent jareer mag word.
 If the words "or equivalent" are not deleted by the prescriber this will indicate that the approved generic equivalent may be supplied.

TO : THE SUPERINTENDENT
NATALSPRUIT HOSPITAL

CONSENT TO SUPPLY CONFIDENTIAL MEDICAL REPORT

NAME OF PATIENT : FRANCE MOTAWUNY
HOSPITAL REFERENCE NO : 24299/92
DATE OF TREATMENT : 9/4/92

I, the undersigned,

TOYMAID FRANCIS MOTAWUNY

do hereby request and authorize you to give a medical report on the injuries sustained and treatment received by me, and to supply copies of all medical records, x-rays and records of any other form of treatment to : -

THE STATE ATTORNEY
888 ROYAL ST. MARY'S BUILDING
85 ELOFF STREET
PRIVATE BAG X9
JOHANNESBURG

as a matter of urgency.

I have fully considered the implications of my actions and authorize you to give all my medical records to my legal representatives or any private doctor they may advise me to see.

SIGNED at Johannesburg on this the 4th day of December 1992.

AS WITNESSES : -

1. *Bithala*
2. *Mgasoane*

Toymai

FRANCIS MOTAWUNY
SIGNATURE OF CONSENTEE
OR RIGHT HAND THUMB

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

Case Number : 92/26551

In the matter between:

MOTLAUNG, Togmaid Francis

Plaintiff

and

MINISTER OF LAW AND ORDER

Defendant

DEFENDANT'S PLEA TO PLAINTIFF'S PARTICULARS OF CLAIM

1. AD PARAGRAPH 1:

Save to admit that Plaintiff is Togmaid Francis Motlaung, Defendant has no knowledge of the remaining allegations contained in this paragraph, accordingly denies same and puts Plaintiff to the proof thereof.

2. AD PARAGRAPH 2:

Defendant admits the contents of this paragraph.

3. AD PARAGRAPH 3:

3.1 Defendant denies the contents of this paragraph and puts Plaintiff to the proof thereof.

3.2 Alternatively and in the event of the Honourable Court finding that Defendant assaulted Plaintiff by shooting Plaintiff (which is denied) and thereby causing Plaintiff to sustain the injury as set out in paragraph 4.1 of Plaintiff's Particulars of Claim, Defendant pleads that:

3.2.1 the shooting was in self-defence;
alternatively

3.2.2 the Plaintiff was shot and injured in cross-fire under circumstances where shots were being fired at members of the Defence Force, who returned fire in self-defence. Defendant furthermore pleads that the shooting by members of the Defence Force was necessary, reasonable and justifiable in order to avoid the

threat of imminent peril, as stated above.

4. AD PARAGRAPH 4:

Defendant denies the contents of this paragraph and puts Plaintiff to the proof thereof.

5. AD PARAGRAPHS 5, 6, 7 and 8:


Defendant denies the contents of these paragraphs and puts Plaintiff to the proof thereof.

6. AD PARAGRAPH 9:

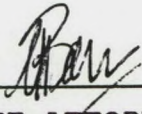
Defendant admits a demand and a failure or refusal to pay, but pleads that Defendant is not legally liable to pay the amount claimed or any portion thereof.

WHEREFORE Defendant prays that Plaintiff's claim be dismissed with costs.

DATED AT JOHANNESBURG ON THIS 2nd DAY OF DECEMBER 1992.



B ROUX
Defendant's Counsel




STATE ATTORNEY
Defendant's Attorneys
888 Royal St. Mary's Bldg
85 Eloff Street
JOHANNESBURG
Ref: Mr Bowen/6672/92/P5
Tel: 29-2961

TO: **THE REGISTRAR OF THE ABOVE
HONOURABLE COURT
JOHANNESBURG**

AND TO: **NICHOLLS & CAMBANIS
Plaintiff's Attorneys
23rd Floor
Kine Centre
Commissioner Street
JOHANNESBURG
Ref: VS/PP/43**

Received copy hereof on the
4th day of December 1992.



for: **Plaintiff's Attorneys**

WITHOUT PREJUDICE
TO RIGHTS

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

CASE NO: 92/26551

In the matter between:-

MOTLAUNG TOGMAID FRANCIS

Plaintiff

and

THE MINISTER OF DEFENCE

Defendant

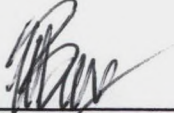
DEFENDANT'S NOTICE IN TERMS OF RULE 36 (4)

BE PLEASED TO TAKE NOTICE that the Defendant requires the Plaintiff in so far as he is able to do so to make available within 10 (ten) days after service hereof to the former any medical reports, hospital records, X-ray photographs or other documentary information of a like nature relevant to the assessment of the damages of compensation in respect of bodily injury alleged to have been suffered by the Plaintiff.

TAKE NOTICE FURTHER that the Defendant requires from the Plaintiff a consent to inspect all hospital records relating to the latter and that such consent should mention the hospitals' reference numbers as well as the dates on which the Plaintiff was treated.

.... /2

DATED at **JOHANNESBURG** on this the *16* day of **NOVEMBER** 1992.



DEFENDANT'S ATTORNEY
STATE ATTORNEY
888 ROYAL ST. MARY'S BUILDING
85 ELOFF STREET
PRIVATE BAG X9
JOHANNESBURG

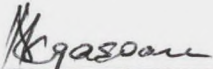
TO: THE REGISTRAR OF THE
ABOVE HONOURABLE COURT
JOHANNESBURG

REFER TO: G. BOWEN
REFER NO: 6672/92/P5/JC
TEL NO: 29 2961

AND TO: **PLAINTIFF'S ATTORNEYS**
NICHOLLS AND CAMBANIS
23rd FLOOR, KINE CENTRE
COMMISSIONER STREET
JOHANNESBURG

REF: Ms C H NOCHOLLS

COPY HEREOF RECEIVED THIS THE
16 DAY OF **NOVEMBER** 1992



For/PLAINTIFF'S ATTORNEY

WITHOUT PREJUDICE
TO RIGHTS

IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

CASE NO: 92/26551
P/H 308

In the matter between:-

MOTLAUNG TOGMAID FRANCIS

Plaintiff

and

THE MINISTER OF DEFENCE

Defendant

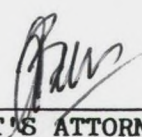
NOTICE OF INTENTION TO DEFEND

BE PLEASED TO TAKE NOTICE THAT the abovenamed Defendant intends to defend this action and has appointed the following address as the address for the service upon him of all notices and documents in the action:-

STATE ATTORNEY
888 ROYAL ST. MARY'S BUILDING
85 ELOFF STREET
PRIVATE BAG X9
J O H A N N E S B U R G

BUSINESS ADDRESS: S.A. DEFENCE FORCE HEADQUARTERS, DEQUAR ROAD,
P R E T O R I A.

DATED at JOHANNESBURG on this the 30 day of OCTOBER 1992.



DEFENDANT'S ATTORNEY
STATE ATTORNEY
888 ROYAL ST. MARY'S BUILDING
85 ELOFF STREET
PRIVATE BAG X9
J O H A N N E S B U R G

.... / 2


REFER TO: G. BOWEN
REFER NO: 6672/92/P5/JC
TEL NO: 29 2961

TO:
The Registrar of the
above Honourable Court
J O H A N N E S B U R G

AND TO:
PLAINTIFF'S ATTORNEY
NICHOLLS, CAMBANIS, & SUDANO
23rd FLOOR, KINE CENTRE
141 COMMISSIONER STREET
J O H A N N E S B U R G

REF: Ms C.H. NICHOLLS

COPY HEREOF RECEIVED ON THIS
THE *3rd* DAY OF ^{*November*} ~~OCTOBER~~ 1992



For/PLAINTIFF'S ATTORNEY

WITHOUT PREJUDICE
TO RIGHTS

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(WITWATERSRANDSE PLAASLIKE AFDELING)

SAAK NO: 92/26551

In die saak tussen:-

MOTLOUNG, TOGMAID FRANCIS

Eiser

en

DIE MINISTER VAN VERDEDIGING

Verweerder

KENNISGEWING VAN ADRESVERANDERING

Neem kennis dat die adres van die Staatsprokureur waar betekening van alle dokumente in die aksie moet geskied vanaf 1 Junie 1994 soos volg verander :-

DIE STAATSPROKUREUR

10DE VLOER

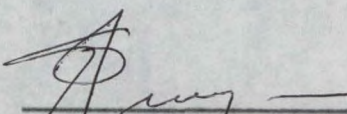
NORTH STATEGEBOU

MARKETSTRAAT 95

h/v KRUISSTRAAT

JOHANNESBURG

GEDATEER te JOHANNESBURG op hierdie 20^e dag van MEI 1994.



DIE STAATSPROKUREUR
VERWEERDER SE PROKUREUR
ROYAL ST. MARY'SGEBOU 888
ELOFFSTRAAT 85
PRIVAATSAK X9
JOHANNESBURG

AAN:

DIE GRIFFIER VAN DIE
BOGENOEMDE AGBARE HOF
JOHANNESBURG

VERWYS NA: J. PRETORIUS/CS
VERWYSING: 6672/92/P33
TEL. NO. : (011) 29-2961

2/.....

EN AAN:

**EISER SE PROKUEURS
NICHOLLS & CAMDANIS
23STE VLOER
KINE SENTRUM
COMMISSIONERSTRAAT
JOHANNESBURG**

VERW.: VS/PP/43

AFSKRIF HIERVAN ONTVANG

OP HIERDIE DIE 24

DAG VAN MEI 1994.

Agaroon
EISER SE PROKUREURS

WITHOUT PREJUDICE

Collection Number: AK2702

Goldstone Commission of Enquiry into PHOLA PARK Records 1992-1993

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