



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY

FROM: The Registrar, Supreme Court of Appeal

DATE: 03 April 2024

STATUS: Immediate

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

MEC for Health, Gauteng v de Lange (298/2023) [2024] ZASCA 38 (03 April 2024)

Today, the Supreme Court of Appeal, per Matojane JA (Gorven, Weiner JJA and Coppin and Smith AJA concurring) has dismissed an appeal by a hospital against allowing a plaintiff to amend her claim to include damages for emotional trauma suffered by her and her two minor sons due to the wrongful death of her husband caused by hospital negligence.

The deceased's wife had initially only claimed loss of support damages against the hospital after her husband died due to negligent care by hospital staff. In an earlier "liability" trial, the court had only determined that the hospital's negligence caused the death itself, not any damages flowing from the death.

The wife later sought to amend her claim to add damages for emotional trauma

to herself and her sons arising from the death. The hospital objected, arguing that emotional trauma should have been addressed in the liability trial, not after a later quantum/damages trial.

The SCA ruled that the liability trial was narrowly focused just on negligently causing the death, not on assessing damages like emotional trauma. Allowing the amendment could not prejudice the hospital, as emotional trauma damages were not precluded by the earlier ruling.

The court criticized both parties for not clearly delineating the issues in line with prior judicial warnings. As a result, while dismissing the appeal, the SCA made no order for costs to convey its displeasure with the parties' conduct.

*****END*****