

Media Release

To: All Media

Date: 01 November 2023

Embargo: Immediately

PRASA WELCOMES JUDGMENT IN ITS FAVOUR IN R2.9 MILLION LAWSUIT, WINNING COST ORDER

On Thursday, 26th of October 2023, the Gauteng Division of the High Court in Pretoria dismissed with costs an application brought by a commuter suing PRASA for delictual damages arising from injuries she sustained when she was onboard a Metrorail train in 2019. The High Court found that the plaintiff's testimony was insufficient, lacked credibility and unreliable. It did not support her version of events and, as a result, failed to establish PRASA's liability or wrongful conduct.

The incident dates back to 10 September 2019, when the plaintiff took a train to Park Ryne in Durban. She testified that she fell off the moving Metrorail train through open doors at the Park Ryne station. PRASA's legal Counsel argued that the plaintiff was the sole cause of the incident due to her own negligence. A Metrorail guard who was on duty when the incident took place testified that she been sleeping when the train arrived at her destination and subsequently jumped off the train as it departed from Park Ryne station. The High Court granted PRASA absolution from the instance saving the organization R2.9 million in claims.

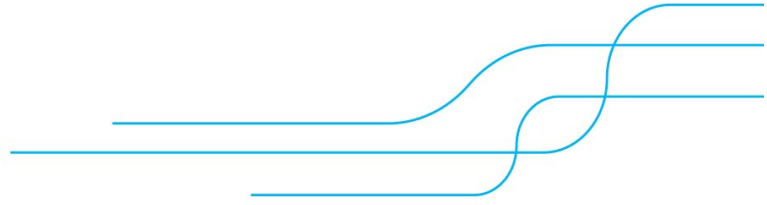
Furthermore, the court could not find that she was a lawful commuter at the time of the incident. According to the Legal Succession to the South African Transport Services Act 9 of 1989 it is a criminal offence to board a train without purchasing and producing a ticket or producing proof of purchasing a ticket.

While any injury or accident involving a commuter in our rail environment is unfortunate and regrettable, PRASA welcomes the judgment handed down by the

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High Court and the R2,9 million saving. From a governance perspective, the judgment represents a positive step toward our ongoing efforts to reduce passenger-related liabilities.

PRASA has put in place measures to ensure the safety of commuters using our services. The organization has taken a zero-tolerance approach to negligence and passenger injuries through the recent launch of our safety campaign “Asiphephe – Let us be safe.”

The high-tech X’tropolis Mega Trains that we are rolling out on the recovered corridors/and or routes are designed with commuter safety in mind. They feature automated doors that cannot be forcefully opened by commuters, and the trains do not move when the doors are open or when an obstruction is detected.

Recently, the Railway Safety Regulator issued the agency with an Annual Safety Improvement Plan Notice of Compliance, indicating its satisfaction with the safety measures put in place by the organization.

[ENDS]

Issued by PRASA [The Passenger Rail Agency of South Africa]