

**IN THE HIGH COURT OF LESOTHO**

**CIV/T/157/2010**

In the matter between:

**BOKANG LELIMO**

**PLAINTIFF**

and

**GROUP 4 SECURITY LESOTHO (PTY) LTD**

**1<sup>st</sup> DEFENDANT**

**MASIMPHANE TAEI**

**2<sup>nd</sup> DEFENDANT**

**CORAM** : Nomngcongo J.

**HEARING DATE** : 26<sup>th</sup> August 2015

**JUDGMENT DATE** : 27<sup>th</sup> August 2018

**JUDGMENT**

[1] The plaintiff claims payment of the amount of M48,362.22 plus what he calls the loss of contract at the rate of M7500.00 per week since 17<sup>th</sup> August 2005 to date of payment plus interest at the rate of 18% *per annum*

*tempore morae* and costs of suit. This claim arises out of a collision between plaintiff's and defendant's vehicle at a junction of the road along Queen Elizabeth II hospital.

- [2] The plaintiff on the 17<sup>th</sup> August 2009 was already out of Queen Elizabeth II Hospital through one of its gates that leads into the main road that in turn leads to the Kingsway Road. It was around 5 p.m, which is normally rush hour with normally heavy traffic. The plaintiff's version is that as he was about to turn into the main road he saw a white van coming in the direction to Kingsway from Mpilo Road which was on his right. He says it was travelling at high speed. It was then about 18 to 20 paces away. His reaction was that he should stop where he was as he could not go either forward or backwards. He had expected the defendant's vehicle to stop to enable him to complete the turn to the left, and join the mainstream traffic going down to Kingsway instead it came straight at him and when it was about to hit him it reversed to the right, He says he had tried to gesture to the other driver in an effort to get him to stop to enable

him to complete his presenter to turn to the left and get into the road but the driver would not stop.

[3] The defendant's story is simple that they were driving down towards Kingsway when plaintiff drove out of the hospital gate without stopping at the T-junction. He noticed that the plaintiff was not aware of his presence in the road and he hooted. The plaintiff nonetheless drove on. The defendant tried servicing to the right to avoid the collision. She plaintiff drove on until his vehicle hit defendants on the left rear wheel.

[4] In cross-examination as in deed in chief the plaintiff makes the startling proposition that the defendant who was driving down in the main road had a duty to stop for him who was coming from the side at a T-junction. Such a preposition is untenable. It was on the contrary the duty of the plaintiff to stop at the T-junction to allow the free flow of traffic on the main road. It was especially so as the plaintiff had seen the

defendant coming down, in his own version some fifteen as 20 paces away. The plaintiff was negligent in the extreme in driving into flowing traffic of which he says he was aware. The plaintiff has only himself to blame for the accident that happened that day. It is no wonder that the police charged him.

[5] I have no hesitation in dismissing this action. It is dismissed with costs.

**T.Nomngcongo**  
**Judge**

For applicant: Mr Lelimo (in person)

For respondent: Ms Makhera