

# Court dismisses Prasa commuter application for delictual damages

The Passenger Rail Agency of South Africa (Prasa) has reiterated that measures are in place to ensure the safety of commuters following the dismissal with costs of an application brought by a commuter suing the agency for delictual damages arising from injuries sustained while on board a Metrorail train.



Image source: Leonard Zhukovsky – [123RF.com](https://123RF.com)

In a statement on Wednesday, Prasa said the Gauteng Division of the High Court in Pretoria dismissed the application saving the organisation R2.9m in claims.

“The High Court found that the plaintiff’s testimony was insufficient, lacked credibility and was unreliable. It did not support her version of events and, as a result, failed to establish Prasa’s liability or wrongful conduct,” Prasa said.

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 had been sleeping when the train arrived at her destination and subsequently jumped off the train as it departed from Park Ryne station,” the agency said.

The High Court granted Prasa absolution from the instance on 26 October 2023.

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

Prasa said the organisation has taken a zero-tolerance approach to negligence and passenger injuries through the recent launch of the “Asiphephe – Let us be safe” safety campaign.

“The high-tech X'trapolis 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 organisation,” Prasa said.

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