

Problems with enforcing car accident compensation

It is not unusual to face problems with enforcing compensation after suffering damage in a car accident.

It is an unfortunate fact that the law does not require everyone driving on South African Roads to be insured, at for least 3rd party damage to ensure compensation for a car accident damage will be paid. Therefore there is always the risk that the liable party in a motor car accident are not able to pay for the damage they caused.

After pursuing a claim for compensation in court, you will be able to obtain a warrant for execution. Now the compensation can be enforced by the sheriff of the court district where the debtor resides.

That can be successful, but if the debtor does not have the money to pay, there is nothing you can do about it. You will even have to pay for all costs.

You might not find the debtor at his given residential address. Therefore it would be wise to check his details before you initiate a claim.

If you lucky and the liable party is insured, it may be easier to enforce payment. However, RAMLA has seen that the majority of established insurance companies will fight hard to avoid or minimise payment for the damage occurred in a car accident.

You should try to motivate the liable party to put pressure on their insurance company to accept the facts of liability and effect payment. This is the most effective way to receive your compensation in time and with as little effort as possible.

You may find that the insurance will see the matter differently, and is willing to defend its point of view – even in court. Most insurance companies force their clients (in the small print of the terms and conditions) not to accept any liability in a case of a motor car accident, as they reserve the right to take over the case and proceed to defend it as they see fit.

You will need support to not risk losing. The RAMLA organisation, who belongs to the customer protection field, may be a good partner for someone who has problems to enforce the full and reasonable compensation for the car accident damage suffered, as they don't just give advice but actively support and manage your entire car accident claim.