

testify as to the condition of the vehicle when the complainant took it. He referred to reports he was given by the technicians he is working with and who inspected the vehicle, which could neither be produced before the court nor substantiated by such technicians.

13.4 The respondent has prayed to this court that costs be awarded to them.

13.5 Expert evidence was however led which, to a greater extent, shed light on what the state of the vehicle could have been at the time the complainant took the vehicle from the respondent's premises. The evidence should assist the court in answering the question whether the lights of the claimant's vehicle went off while he was driving, leading to the vehicle being driven into a ditch as a result of the respondent's negligence in failing to secure the harness.

13.6 The expert witness explained that the damages he detected while inspecting the vehicle, "were not as a result of the accident, loss of engine power is a normal works of fuel pump, spark plug or coil packs or maybe loss of compression and those are normal works".

13.7 The expert witness further explained that loose "wiring harness not put in the original position burnt and broken, these one caused by poor workmanship because they were not put back to their rightful position, service light reflected on the dashboard therefore the car indicated that it needs service..."

13.8 The expert witness refuted the complainant's version that the vehicle fell into a ditch because all the lights went off because of the wiring burn from the exhaust saying that that was so because the wires are too far from the main fault.