

COSTAS MICHAELIDES,

Appellant-plaintiff.

v.

MICHAEL POLYVIUO,

Respondent-Defendant.

(Civil Appeal No. 4556)

Civil Wrongs—Road Traffic—Road accident—Damages—Special and general damages—Appeal against assessment and award of—No grounds on the record which could justify intervention by Court of Appeal with trial Court's award of special damages—Award of general damages to appellant increased as being an erroneous estimate of his damage at present money value.

Damages—Road traffic—Road accident—Special and general damages—See under "Civil wrongs" above.

The appellant-plaintiff who sustained personal injuries in a road accident and was awarded £500 special damages and £1,000 general damages, appealed against the award of damages mainly on the ground that in the circumstances of the case the amount was too small considering the injuries and the permanent disability suffered by him.

Held, on the question of special damages: We take first the item of special damages, where the trial Court found and awarded £500. Rightly in our opinion, learned counsel for the appellant conceded, in the course of his argument, that there are no grounds on the record, which could justify intervention with the award on this item.

Held, on the question of general damages: We unanimously take the view that the amount awarded to compensate the appellant for his loss in this respect, is clearly an erroneous estimate of his damages at present money value; and must be increased by fifty per cent, i.e. be increased from £1,000 to £1,500.

Appeal allowed.

Cases referred to:

Christodoulou v. Menicou (reported in this part at p. 17 ante).

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Appeal.

Appeal against the judgment of the District Court of Lissol (Malyali and Beha D JJ) dated the 30th November, 1965, (Action No 1258/64) whereby the plaintiff was awarded the sum of £1,500 for injuries he sustained in a road accident

M Montanios with *P Pavlou*, for the appellant

G Cacoyiannis with *V Iapakoudes*, for the respondent

The judgment of the Court was delivered by

VASSILIADIS, J This is an appeal against the assessment and award of damages, made by the District Court in favour of the appellant-plaintiff, in this road-accident case liability was admitted on behalf of the respondent at the opening of the trial, and the only issue on which the case proceeded was the amount of damages to which the appellant plaintiff was entitled

Upon the evidence before them, and after hearing counsel on both sides, the District Court awarded £1,500 under two heads Special damages, £500, and general damages £1,000 Against this award, the plaintiff appealed on the ground that in the circumstances of the case, the amount is too small considering the injuries and permanent disability suffered by the appellant

In *Christodoulou v Memou* (reported in this part at p 17 *ante*), which was recently decided in this Court, and to which learned counsel before us have referred, Josephides J, in delivering the judgment of the Court, said

“ Having given the matter our best consideration, we are not convinced that the Court acted upon some wrong principle of law, or that the amount awarded was so very small as to make it, in the judgment of this Court, an entirely erroneous estimate of the damage to which the plaintiff is entitled ”

Following this approach to the question under consideration in the present appeal, we take first the item of special damages, where the trial Court found and awarded £500 Rightly in our opinion, learned counsel for the appellant conceded, in the course of his argument, that there are no grounds on the record, which could justify intervention with the award on this item

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Taking now the next item, £1,000 for general damages, we have to test the award on the question whether it is an "entirely erroneous estimate of the damage to which the plaintiff is entitled". The amount under this head must compensate the appellant for pain, suffering and inconvenience for the first six months after the accident, during which he had his right hand immobilised in plaster ; for suffering and inconvenience during the period of treatment which followed ; for, probably permanent terminal restriction of the right wrist mobility, and moderate weakness of the gripping power of the right hand ; for the established pseudarthrosis of the scaphoid bone in that wrist and post traumatic osteoarthritis changes in the joint ; for 15% (fifteen per cent) residual permanent partial incapacity for the rest of his life ; and, in addition, for putting this skilled carpenter of the age of 44, practically out of his trade as barrel maker, for the rest of his working days.

We unanimously take the view that the amount awarded to compensate the appellant for his loss in this respect, is clearly an erroneous estimate of his damages at present money value ; and must be increased by fifty per cent, i.e. be increased from £1,000 to £1,500.

We, therefore, allow the appeal to this extent, and vary the judgment into one for £2,000 (two thousand pounds). With costs on the appropriate scale (viz. that applicable to claims not exceeding £2,000), in the District Court as ordered and in the appeal, for one advocate.

There will be judgment and order for costs accordingly.

Appeal allowed. Order for costs as aforesaid.