

1975  
Jan. 29

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ANDREAS  
LYSANDROU

v.

KYRIACOS  
ALONEFTIS

[TRIANTAFYLLIDES, P., STAVRINIDES, HADJIANASTASSIOU, JJ.]  
ANDREAS LYSANDROU.

*Appellant-Plaintiff,*

v.

KYRIACOS ALONEFTIS,

*Respondent-Defendant.*

*(Civil Appeal No. 5270).*

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*Damages—General damages—Personal injuries—Principles on which Court of Appeal will interfere with an award of general damages made by trial Court—Laceration of inner canthus necessitating three stitches and laceration of scalp necessitating five stitches—Dizzy spells for about 4 months—Under treatment for a period of just under 4 months—Award of £125 manifestly inadequate—Increased to £200.* 5

*General Damages—See under “Damages”.*

The appellant, who was injured through the negligence of the respondent, sustained, *inter alia*, a laceration of the inner canthus, which necessitated three stitches and a laceration of the scalp, which necessitated five stitches and suffered dizzy spells for a period of about four months. He was under treatment for a total period of just under four months. He appealed against an award of C£125 general damages. 10 15

*Held.* We do agree that an appellate tribunal should not interfere with an award of general damages only because they appear to be on the low side, and that it can only do so if the damages are manifestly inadequate. We are satisfied that in the case before us the general damages fell into the latter category. We have had no difficulty in increasing the amount of general damages to C£200. 20 25

*Appeal allowed.*

**Appeal.**

Appeal by plaintiff against the judgment of the District Court of Nicosia (Stavrinakis, P.D.C.) dated the 7th

December, 1973 (Action No. 5281/72) whereby he was awarded the sum of C£125.- as general damages for injuries he sustained as a result of a traffic collision.

*Ch. Loizou*, for the appellant.

5 *A. Markides*, for the respondent.

*Cur. adv. vult.*

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The judgment of the Court was delivered by:-

0 TRIANTAFYLIDIS, P.: In this case the appellant (plaintiff before the trial Court) was injured through the negligence of the respondent.

The liability was not disputed and the special damages were agreed to be C£152, including loss of earnings of the appellant for five weeks. What has remained in issue is the amount of general damages.

15 The appellant was knocked down by the respondent's car on the 20th May, 1972, and he suffered the following injuries :-

20 (a) Laceration of inner canthus, necessitating three stitches, with a black eye due to a frontal haematoma;

(b) Laceration of the scalp, necessitating five stitches in the occipital region;

(c) Multiple abrasions of the right elbow with swelling of the joint;

25 (d) Large friction burn of the right iliac area.

30 He was under treatment for a total period of just under four months, first by a surgeon and then by a neuro-psychiatrist. The relevant medical reports were duly produced. The appellant was never an in-patient and  
35 there has remained no residual incapacity due to his injuries, other than spells of dizziness which were precipitated or exacerbated by exposure to the sun and by postural changes; the neuro-psychiatrist, Dr. A. Mikellides, described these spells of dizziness as a post-traumatic manifestation and the appellant was still under treatment by him with drugs when he last saw him on the 14th September, 1972.

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The learned trial judge awarded C£125 as general damages; we do agree that an appellate tribunal should not interfere with an award of general damages only because they appear to be on the low side, and that it can only do so if the damages are manifestly inadequate; 5  
we are satisfied that in the case before us the general damages fall into the latter category. From the wording of the judgment appealed from it appears that the trial Court belittled the nature and effect of the injuries of the appellant and so, when he came to consider the 10  
pain and suffering of the appellant, he described it as "nothing that would cause any severe inconvenience and discomfort"; yet the appellant had suffered, *inter alia*, a laceration of the inner canthus, which necessitated three stitches and a laceration of the scalp, which necessitated 15  
five stitches and suffered dizzy spells for a period of about four months. We have had no difficulty in increasing the amount of general damages to C£200.

The appeal is therefore allowed accordingly with costs in favour of the appellant. 20

*Appeal allowed with costs.*