

GEORGHIOS ROUMBA,

Appellant-Defendant,

v.

NEOPHYTOS SHAKALLI A MINOR THROUGH HIS
FATHER AND/OR NEXT-OF-KIN
MICHAEL A. SHAKALLI, AND ANOTHER,

Respondents-Plaintiffs.

—
GEORGHIOS
ROUMBA
v.
NEOPHYTOS
SHAKALLI ETC.
& ANOTHER

(Civil Appeal No. 4776).

Damages—Personal injuries—Epilepsy—Minor head injury on a boy resulting in a mild epileptic condition of a permanent nature—General damages—Award of £3,000—Appeal and cross-appeal—Dismissed—No reasons justifying interference by the Court of Appeal with such award—Approach of the Court of Appeal to appeals against awards of general damages—Principles laid down in a great number of cases.

Personal injuries—General damages—Assessment of—Approach of the Court of Appeal—See hereabove.

General damages—Personal injuries—Assessment—Approach of the Court of Appeal—See hereabove.

Court of Appeal—Approach of the Court on appeals against award of general damages in personal injuries cases—See, also, hereabove.

In this personal injuries case, the defendant appeals against the award of £3,000 on the ground that on the evidence it was unreasonably high; and the plaintiff cross-appealed challenging the award on the ground that it was unreasonably low.

The Supreme Court dismissing both the appeal and the cross-appeal:—

Held, (1). This Court has repeatedly stated the approach on appeal to awards made by trial Courts. We may refer to *Christodoulou v. Menicou* (1966) 1 C.L.R. 17; *Djermal v. Zim Navigation Co. Ltd.* (1968) 1 C.L.R. 309; *Antoniades v. Makrides* (reported in this Part at p. 245 *ante*); *Constantinou*

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v. *Salachouris* (reported in this Part at p. 416 *ante*). There is a number of other cases where the same approach was made and the same principle was applied to the facts and circumstances of the particular case.

(2) We can dispose of the matter before us on the short ground that we have not been persuaded that there are reasons which would justify interference with the award of the trial Court in the instant case.

Appeal and cross-appeal dismissed; No order as to costs.

Cases referred to:

Christodoulou v. Menicou (1966) 1 C.L.R. 17;

Djema! v. Zim Navigation Co. Ltd. (1968) 1 C.L.R. 309;

Antoniades v. Makrides (reported in this Part at p. 245 *ante*);

Constantinou v. Salachouris, (reported in this Part at p. 416 *ante*).

Appeal and Cross-appeal.

Appeal and cross-appeal against the judgment of the District Court of Nicosia (A. Loizou P.D.C. & Stavrinakis D.J.) dated the 12th October 1968, (Action No. 4360/67) whereby the defendant was adjudged to pay to the 1st plaintiff the sum of £3,000 as damages for the injuries he sustained when knocked down by a car driven by defendant.

Chr. Chrysanthou, for the appellant.

L. Papaphilippou, for the respondent.

The judgment of the Court was delivered by:

VASSILIADES, P.: The appeal and cross-appeal before us, arise from a road traffic accident when a boy of 11 years of age was injured by the open door of a passing motor car, while cycling home on his pedal bicycle.

In the early stages of the proceedings, counsel in the case took the commendable course of considering together and eventually agreeing on the amount of the special damages and

also on the question of liability. Indeed one cannot see how the question of liability could be put in issue in the circumstances of this case. The only matter for which the case went to trial was the amount of general damages to which the plaintiff was entitled.

After hearing the evidence adduced by both sides on that issue, including the evidence of three medical specialists, the trial Court reached the conclusion stated in their judgment, that the result of the boy's minor head-injury was the developing of a mild degree of epileptic condition manifesting itself in occasional epileptic fainting spells. According to the two doctors called for the plaintiff (one of them a senior Government specialist) the brain injury in question is of a permanent nature. According to the specialist called for the defence, it may be of a temporary nature. The trial Court accepting the evidence for the plaintiff, found that the slight degree of epileptic condition now found on the boy, was of a permanent nature; and assessing the general damages upon that footing, the Court awarded £3,000.

The defendant appealed against this award, mainly on the ground that on the evidence before the Court, the award was unreasonably high. The plaintiff cross-appealed challenging the award on the ground that it was unreasonably low.

We have heard both counsel on the question of the amount awarded. We have also looked at the cases to which they have referred us. None of those cases were decided on similar facts. They present assessments made in circumstances considerably different to those of the case in hand.

This Court has repeatedly stated the approach on appeal, to awards made by trial Courts. I may refer to *Christodoulou v. Menicou* (1966) 1 C.L.R. 17; *Djermal v. Zim Navigation Co. Ltd.* (1968) 1 C.L.R. 309; *Antoniades v. Makrides* (reported in this Vol. at p. 245 *ante*); *Constantinou v. Salachouris* (reported in this Vol. at p. 416 *ante*). There is a number of other cases where the same approach was made and the same principle was applied to the facts and circumstances of the particular case. We need not specifically refer to them here. But it may be useful to counsel to look them up when considering an appeal against the amount of damages awarded by a trial Court; and to be able to refer to them when arguing such appeals.

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We can dispose of the matter before us on the short ground that we have not been persuaded that there are reasons which would justify interference with the award of the trial Court in the instant case.

We might, perhaps, add that it seems to us at this stage, that the trial Court took into account all the material factors and made a reasonable award.

The appeal and cross-appeal are dismissed.

No order as to costs.

*Appeal and cross-appeal dismissed;
no order as to costs.*