

1970  
Jan. 15

[TRIANTAFYLIDES, STAVRINIDES, HADJIANASTASSIOU, JJ.]

THEODOROS  
ANDRONIKOU  
v.  
ANASTASSIS  
GEORGHIOU  
KITSIOU

THEODOROS ANDRONIKOU, AN INFANT, THROUGH  
HIS FATHER AND/OR NEXT FRIEND  
KYRIACOS ANDRONIKOU,

*Appellant-Plaintiff,*

v.

ANASTASSIS GEORGHIOU KITSIOU,

*Respondent-Defendant.*

(Civil Appeal No. 4828).

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*Damages—General damages in personal injuries cases—Principles upon which Court of Appeal will interfere with awards of general damages—Personal injuries suffered—Over two years' mental abnormality and suffering—General damages—Award £400—So low as to make it necessary for the Court of Appeal to intervene—General damages increased by 50%.*

*Appeal—Damages—Approach of the Court of Appeal to appeals regarding awards of general damages, particularly in personal injuries cases—See also supra.*

*Personal injuries—General damages—Appeal—See supra.*

This is an appeal by the plaintiff against the quantum of general damages awarded to him by the trial Court in this personal injuries case. The Court of Appeal, applying the principles laid down in previous cases, particularly, in *Constantinides v. Hji Ioannou* (1966) 1 C.L.R. 191 and *Antoniades v. Makrides* (1969) 1 C.L.R. 245 and holding that the amount of £400 awarded was so low as to make it necessary for the Court to intervene, increased it by 50%.

The facts sufficiently appear in the judgment of the Court, allowing the appeal with costs.

Cases referred to :

*Constantinides v. Hji Ioannou* (1966) 1 C.L.R. 191 ;  
*Antoniades v. Makrides* (1969) 1 C.L.R. 245.

### **Appeal.**

Appeal by plaintiff against the judgment of the District Court of Famagusta (Pikis, D.J. and Christoforides, Ag. D.J.)

dated the 6th June, 1969 (Action No. 1282/68) whereby he was awarded an amount of £593.500 as damages in respect of injuries he sustained in a traffic collision.

*L. Clerides*, for the appellant.

*D. Liveras*, for the respondent.

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The judgment of the Court was delivered by :

TRIANAFYLLIDES, J.: In this case the appellant-plaintiff appeals against so much of the decision of the Famagusta, District Court, in civil action No. 1282/68, as it relates to the amount of general damages awarded to him, in respect of injuries suffered by him, on the 19th February, 1968, in a traffic collision, in Famagusta, liability for which was found to rest with the respondent-defendant.

Learned counsel for the appellant has submitted that, in the light of the evidence on record, the general damages awarded, £550, are manifestly inadequate.

It is quite clear from the decision of the trial Court that in the said amount of £550 there was included an amount of about £120 required for future treatment of the appellant, as well as an amount of £20 in respect of past treatment (which having not been pleaded as special damages was taken into account in assessing the general damages).

Thus, the general damages awarded in favour of the appellant, by way of compensation for the injuries suffered by him, were, in effect, about £400 only.

The surgeon who examined the appellant on admission to Famagusta hospital, immediately after the collision, found him to be suffering from the following :—

- (a) concussion, that lasted for a few hours,
- (b) a not very serious wound on the head, the skull having not been fractured ; and
- (c) pain behind both knees and on the right elbow.

The appellant remained in hospital until the 1st March, 1969.

As the appellant was complaining of headaches, he was examined, in May, 1968, by a clinical psychologist, Mr. A. Georghiades, who kept him under observation and treatment for some time, until May, 1969.

On the basis of his evidence the trial Court found that the concussion and head wound suffered by the appellant

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caused some brain injury and brought about neurotic symptoms, entailing a lowering of the intelligence quotient of the appellant ; it was to be expected that after about a year's treatment, as suggested by Mr. Georghiades, the neurotic symptoms would disappear and, as a result, his intelligence quotient would be restored almost to its previous level ; and that his capacity to work would, also, be restored to its previous level after such treatment.

What we have to decide in this appeal is whether or not, in these circumstances, an award of general damages of £400 is so very small as to require this Court, in the light of the relevant principles (see, *inter alia*, *Constantinides v. Hji Ioannou*, (1966) 1 C.L.R. 191 and *Antoniades v. Makrides* (1969) 1 C.L.R. 245) to intervene in favour of the appellant. We have weighed for the purpose all relevant considerations ; we have taken into account, in particular, that the adverse effects of the injuries, which were suffered by the appellant, still continued more than a year after the collision in question, and that such effects required—assuming the prognosis of the clinical psychologist was an accurate one—another year, under treatment, before they would more or less disappear ; thus, the appellant would have at least endured over two years' mental abnormality, and suffering, before he might become—and still not completely—his normal self.

In the circumstances we have reached the conclusion that the amount of £400, awarded in respect of his plight, as described, is an amount so low as to make it necessary for this Court to intervene and increase it by 50% to £600 ; when adding thereto the £120, for the cost of his past and future treatment, we arrive at an overall figure of general damages of £750.

We, therefore, set aside the decision of the trial Court to the extent to which it relates to general damages and we vary it so that the general damages should be £750 (plus of course the undisputed £43.500 mils special damages).

We also award the costs of this appeal in favour of the appellant.

*Appeal allowed with costs.*