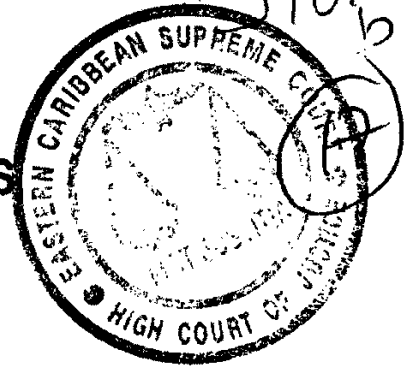


IN THE HIGH COURT OF JUSTICE
SAINT VINCENT AND THE GRENADINES



SUIT NO: 346 OF 1993

STEVE SAMUEL

PLAINTIFF

V

CHARLES MC INTOSH

AND

DEFENDANTS

GEORGE NISBITT

A.F. Williams, Esq. for the Plaintiff

MITCHELL J.

JUDGMENT

This is an undefended running down case. By a writ of summons specially endorsed with a Statement of Claim the Plaintiff claims against the Defendants damages for a traffic accident on 22nd June 1993. By a Defence filed on 10th September 1993 the Defendants deny negligence and counterclaim for damages. The matter has been ready for trial since 23rd November 1993.

The matter came up on the list for trial on 6th May, 1997, and neither the Defendants nor their counsel appeared. The Court being satisfied that the matter had long been listed for today's trial, and all counsel having copies of the list, proceeded to hear the matter undefended.

The evidence was that on the day in question the Plaintiff was driving his motor cycle along the main road at Arnos Vale when the vehicle of the 2nd Defendant driven by his servant or agent the 1st Defendant came out of a side road and collided with the Plaintiff. The motor cycle was written off. It had been purchased a few months before for EC\$8,000.00 and had been spray painted by the Plaintiff. He suffered a dislocated right elbow which is still causing him pain. He is unable to straighten his arm fully, or to lift heavy objects in his work as a body shop operator. He lost 3 months pay after the accident.

I found for the Plaintiff, and awarded his special damages of EC\$10,800.00 and EC\$10,000.00 general damages against the Defendants, and his costs to be taxed if not agreed.



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ID Mitchell, QC
High Court Judge (Ag)
6th May, 1997