

such a discretion. This is settled law and there are settled principles which we will have to follow if we needed to so interfere. It is not necessary to pronounce upon them here again. We have done so often enough.

The real challenge to the exercise of the Judge's discretion was his conclusion on the issue of adequacy of damages. The learned Judge found that the appellants had more or less exhausted their life savings, and therefore when balanced, the respondents were in a better position to pay damages than the appellants.

We have examined the evidence and we observe that Victoria Peters, one of the appellants, said in her affidavit that they utilized most of their savings to purchase the property. We are of the opinion that this evidence, to a certain extent, was enough to justify the Judge's finding of the aforementioned fact.

That being the only criticism, we can find no justifiable reason to interfere with the exercise of the learned Judge's judicial discretion.

We therefore order that the appeal do stand dismissed with costs to the respondent.

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SATROHAN SINGH
Justice of Appeal

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I CONCUR

ALBERT REDHEAD
Justice of Appeal

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I CONCUR

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ALBERT N.J. MATTHEW
Justice of Appeal

[Ag.]