SAINT LUCIA

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE

SUIT NO: 116 OF 2001

BETWEEN

Terrance Monrose

Claimant

and

David Wallace

Defendant

Appearances:
Mr. Marius Wilson for Claimant
Mr. George Charlemagne for Defendant

2003: June 23
June 25

JUDGMENT

[1] Shanks J: This is a claim and counterclaim arising out of a road traffic accident which occurred at 3:20 a.m. on Saturday 22nd August 1998 on the Gros Islet Highway at Marisule by the Courts Warehouse. Luckily there was only damage to the two vehicles concerned and no personal injury. I heard evidence from the parties and I am familiar with the site of the accident.

[2] Mr. Wallace, the Defendant, gave evidence that he was driving his jeep PA4390 south towards Castries on his way home from his work as a musician. His then home was inside the gap on the right opposite the Courts Warehouse which is on a corner. He checked in

his mirror and saw three vehicles behind him, he indicated to turn right, and he made his manoeuvre.

[3] As he turned right he hit the vehicle being driven by the Claimant (reg. 8575) which was overtaking him on the right. From the fact that he did not see this vehicle when he looked in his mirror and that he did see three other vehicles and from the nature of the impact Mr. Wallace deduced that the Claimant had been overtaking all four vehicles at some speed.

[4] Mr. Monrose's evidence was that he was driving directly behind Mr. Wallace and that Mr. Wallace did not signal. He went to overtake him some 30 yards before the corner where the gap is and, as he was overtaking, Mr. Wallace made a sudden movement to the right which caused the collision.

[5] It is always difficult to decide a case like this where there is one person's word against another and no other evidence to help. In this case, on balance, I preferred the evidence of Mr. Wallace.

[6] On the question of where the accident occurred (i.e. at the corner or 30 yards before it) I preferred his evidence simply because it seemed more likely that he would turn at the gap rather than 30 yards before the gap. There was some rather inappropriate cross-examination from Mr. Wilson suggesting that Mr. Wallace did not in fact live at Marisule at the time and that he was not in fact turning to go home at all but he denied this and there was no evidence to contradict his denial.

[7] Given that he was right about this matter, I am also inclined to accept his evidence that he was signaling and that there were three other vehicles behind him.

[8] There was a suggestion in cross-examination that he had been drinking but, again, there was no evidential basis for that suggestion.

[9] I therefore find that Mr. Monrose was overtaking a number of vehicles at speed on a corner when the accident occurred and that Mr. Wallace was executing a proper manoeuvre in turning right. The accident was therefore clearly entirely caused by the neglect of Mr. Monrose and he is liable for the damage suffered by Mr. Wallace. There was no dispute that this amounted to $4,000.00.

[10] I therefore order as follows:

(1) Claim dismissed.

(2) Judgment for Defendant for $4,000.00 plus interest at 6% from 22nd August 1998.

(3) Costs of $3,000.00 (as fixed at the case management conference) to be paid by the Claimant.

Murray Shanks
High Court Judge (Ag.)