

THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

SAINT VINCENT AND THE GRENADINES

CLAIM NO.: 467 of 2005

BETWEEN:

SHERIDAN BUTLER

Claimant

and

**RALSON KING
JAMES BOBB**

Defendants

Appearances:

Mr. J. Delves for Claimant

2006: August 18

DECISION

- [1] **COTTLE, MASTER:** This is an assessment of damages. The Claimant was a passenger on a motorcycle when she was struck by a motor vehicle owned by the Second Defendant and driven by the First. The Defendants suffered judgment to be entered against them in default of defence.
- [2] The Claimant is now aged 22. As a result of the collision she suffered:
- (i) compound fracture of the right thigh
 - (ii) fracture of the acetabulum of the right hip
 - (iii) resultant scars on the right thigh and hip
- [3] She was hospitalized for three weeks in the first instance. Her injuries were treated. A K nail was inserted into the fractured femur. Three months later the Claimant had to be hospitalized for a further week to permit the removal of the K-nail. The injury has resulted

in the shortening of her right lower limb by one inch. She will need to wear an elevated shoe. She will also be at risk for early degenerative changes in the hip and knee joints.

- [4] The principles which govern the assessment of damages for personal injury are well known. Counsel for the Claimant referred to the case of *Cornelliac v St. Louis* (1967) 7 WIR 491 which sets out the factors succinctly. I do not repeat them here.

Pain, Suffering and Loss of Amenities

- [5] The Claimant would have suffered the shock of the injury itself, she would have endured physical pain at the time of the injury. She also had to undergo two operations both of which would have left her in considerable pain. This young lady is also now burdened by unsightly scars at the hip and thigh. She had to wear a cast on her leg for six months. She was pregnant at the time of the accident and her injuries would have rendered her pregnancy more trying. She is now restricted to activities in which she can engage. She no longer attends parties and her social activity is much reduced. She still complains of intermittent pain. Dr. Woods considers that her resultant physical disability is sufficient to cause the Claimant "chronic joint pain and discomfort."


- [6] Counsel for the Claimant also helpfully cites the case of *Fevrier & Fevrier v Bruno Canchan Asphalt* 313/87 a decision of the High Court in St. Lucia delivered in March 2002. D'Auvergne J awarded a Claimant who had suffered almost identical injuries, a sum of \$150,000 as general damages. I am content to do likewise. I award the Claimant \$150,000.00 as general damages.

Special Damages

- [7] The special damages which have been pleaded and proved by the Claimant amount to \$853.50. I award this amount.

Costs:

[8] I award the Claimant costs in the amount of \$18,978.00 on the basis of prescribed costs.


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Brian S. Cottle
MASTER