ST VINCENT AND THE GRENADINES

THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

(CIVIL)

CLAIM NO 374 OF 2011

BETWEEN:

ERNESTINE ALLEN

Claimant

AND

KELORN ADAMS

Defendant

Appearances

Mr Jaundy Martin for the Claimant

Mr Duane Daniel for the Defendant

.....

2014: October 20

.....

ORAL JUDGMENT

[1] **LANNS, J.** [Ag]: The Claimant, Ernestine Allen, was involved in a road accident which occurred on the 23rd September 2010. Her case is that she was a front seat passenger in a passenger van being driven by Mr Letson Keil along the Richmond Hill Public Road en route to Mesopotamia, when the Defendant, Ms Kelorn Adams drove her vehicle so negligently that she lost control thereof and caused it to leave its proper side of the road and collided with the passenger van being driven on the opposite side of the road. As a result of the collision, the Claimant sustained personal injuries described in the Medical Report of Dr Charles Woods as

(a) Trauma to the left hip and head

(b) Neck pain radiating to the shoulders

(c) Tenderness of the cervical muscles with decreased range of motion in all directions

(d) Whiplash injury to cervical spine.

[2] I heard evidence from the Claimant, the Defendant and the driver of the passenger van Mr Letson Keil.

[3] The Claimant's account as to how the accident occurred was corroborated by the evidence of Mr Keil.

[4] The Defendant's case is that she lost control of her vehicle, ended up on the wrong side of the road, heard a bang, suffered a blackout and when she regained consciousness, she realized that she had collided with the passenger van in which the Claimant was seated and injured.

[5] Under cross examination, the Defendant admitted that she was wholly to be blamed because the passenger van was on its right side and she was on the wrong side.

[6] Having considered all the evidence proffered, and, Counsel for the Defendant having conceded liability;

IT IS HEREBY ADJUDGED that

[1] Judgment be and is hereby entered for the Claimant for damages to be assessed upon application to the Master .

[2] The application is to be filed and served within 15 days of today's date.

PEARLETTA E. LANNS

High Court Judge [Ag]