

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
SAINT VINCENT AND THE GRENADINES
HIGH COURT CIVIL CLAIM NO. SVGHCV2009/0149

BETWEEN:

MICHELLE MALONEY

Claimant

AND

ESTIE STEPHENS

Defendant

Appearances:

Mr. Ronald Marks for the Claimant

Mr. Olin J.B. Dennie for the Defendant

2011: March 23

2015: May 29

JUDGMENT

- [1] **BRUCE-LYLE, J.** – The Claimant is a citizen of Saint Vincent and the Grenadines and is of full age and capacity.
- [2] The Defendant is also a citizen of the State of Saint Vincent and the Grenadines and resides in close proximity to the Claimant.
- [3] The Claimant alleges that on or about the 1st day of December 2007, the Claimant being in the vicinity of her mother's home in Richland Park was struck on the right wrist and on the left side of her face by the Defendant, causing her pain, injury, loss and damage.

[4] The claimant said she left the scene and reported the matter to the Police and then to Dr. Prasada Rao who examined her injuries and then referred her to the Milton Cato Memorial Hospital for further treatment.

[5] The Claimant stated her particulars of injuries as –:

- a) An incised wound about 2 ½ inches on the left side of her face
- b) An incised wound about 1 inch long on the right wrist
- c) The Claimants injuries were sutured during treatment
- d) The wounds although now healed has left the claimant with keloid/hypertrophic scar formation.

[6] The Claimant tendered in evidence a Medical Report from Dr. Prasada Rao dated the 14th April 2008 and another dated 2nd of March 2009 from Dr. St. Clair Thomas.

[7] On the 9th day of April 2008 the Defendant was convicted before the Mesopotamia Magistrates Court for wounding the Claimant. The Claimant relies on this fact of the Defendants conviction.

[8] The Claimant therefore claims –

- 1) Special damages of \$200 and continuing
- 2) General Damages
- 3) Interest as the court deems fit
- 4) Costs

DEFENDANT'S CASE

[9] I have carefully analysed the Defendant's case via her witness statements, viva voce evidence and her written submissions after the case. To be truthful and honest I am not convinced with her case as juxtaposed to that of the claimants. This is a clear case where mediation should have been the main course of the Dinner.

[10] I see no merit in the Defendant's case more especially the telling conviction on her by the Magistrate's Court in Mesopotamia.

[11] All told, I have reviewed the notes of evidence in this case thoroughly, analysed the witness statements of both Claimant and Defendant; and thoroughly analysed the written submissions submitted at the end of the case. Having done so I hereby conclude –

CONCLUSION

- 1) That this court finds for the Claimant;
- 2) The Defendant's case against the Claimant is dismissed;
- 3) The matter is hereby sent to the Master for determination of Damages and Costs.

Frederick V. Bruce-Lyle
HIGH COURT JUDGE