

ORIGINAL

IN THE HIGH COURT OF AUSTRALIA

(9)

SHAFFRON

V.

WEBSTER

57-

REASONS FOR JUDGMENT

Judgment delivered at Sydney

on Thursday, 15th December 1955

WALTER SHAFRON

v.

MARION RAYE WEBSTER

ORDER

Appeal dismissed with costs.

WALTER SHAFRON

v.

MARION RAYE WEBSTER

JUDGMENT

DIXON C.J.
WEBB J.
TAYLOR J.

MARION RAYE WEBSTER

JUDGMENT

DIXON C.J.
WEBB J.
TAYLOR J.

We have given careful consideration to the award of damages in this case. It was, we think, high but, on the whole, we do not think it was excessive in such a sense that a court of appeal would be justified in interfering with it.

The point made by counsel for the appellant that the learned trial judge omitted consideration of or gave inadequate effect to the contingency of remarriage on the part of the respondent is not made out to our satisfaction. Moreover it is, we think, important in the present case to observe that the deceased was on the threshold of a career which gave scope for such talents as he possessed and the case is not one where he was in a settled occupation with a more or less fixed earning capacity and with prospects fairly well defined and capable of approximate assessment. A consideration of the evidence has led us to the conclusion that there are sufficiently important imponderables in the case to make it impossible for us to intervene. The appeal will therefore be dismissed with costs.