

IN THE HIGH COURT OF AUSTRALIA

WYLIE

V.

WRIGHT

ORIGINAL

REASONS FOR JUDGMENT

Judgment delivered at MELBOURNE
on FRIDAY, 31ST MAY, 1957.

WYLIE v. WRIGHT

JUDGMENT (ORAL)

DIXON C.J.
WEBB J.
FULLAGAR J.
KITTO J.
TAYLOR J.

WYLIE v. WRIGHT

These are two appeals heard together arising from the decisions of the Full Court of the Supreme Court of New South Wales in refusing to set aside verdicts respectively for a wife and a husband arising out of personal injuries inflicted upon the wife. The sole question is one of the assessment of damages and the appeals are concerned with that question, not with questions of liability. In each case the defendant challenged the jury's assessment on the ground that it was excessive. It is unnecessary to re-state the facts. In one case the jury found a verdict for the wife for £7,960 and ⁱⁿ the other for the husband for £6,275.

Two separate actions were brought by the husband and the wife in conformity with the practice which we are told has arisen in consequence of the decision of Butler v. Musgrove, 12 S.R. N.S.W. 65. No question was raised before us as to the correctness of that practice and we say nothing about it. The sole question in each of these two cases is whether the assessment is ^{into} excessive, although that question the direction given by the learned Judge enters to a certain extent.

In the case of the wife, having regard to the magnitude or severity of her injuries we think no question could really arise. The damages of £7,960 were well within the discretion of the jury to award for such severe injuries, and we think there is no ground upon which that could really be challenged.

The award to be made in favour of the husband was of course limited to the actual loss he had in the past suffered by the expenses incurred and by the material injuries inflicted upon him as the result of his wife's injuries, and the prospective loss of a like character.

Owen J. delivered the judgment of the Full Court of New South Wales which we have all read and considered and we are of

opinion that the Court was right in the manner in which it disposed of the criticisms that were made of the award of £6,275 to the husband. We think that it is not necessary to say more. The amount itself does not appear to us to be so excessive as to warrant our intervention.

The appeals will therefore be dismissed.
