

IN THE HIGH COURT OF AUSTRALIA

MORGAN

V.

SHEERIN AND OTHERS

REASONS FOR JUDGMENT

Oral Judgment delivered at Sydney

on Tuesday, 10th November 1959

MORGAN

v.

SHERRY AND CATHER

JUDGMENT
(GRAL)

JUDGMENT OF THE COURT
DELIVERED BY DIXON C.J.

CORAM :

DIXON C.J.
McFERRAN J.
KILGUS J.
KEEFE J.
WHELAN J.

MORGAN
v.
SHERRILL AND OTHERS

The question is entirely one of the limits within which the jury's assessment of damages may stand. In a case of this description, the task is peculiarly difficult, and the elements which may be taken into account are in a sense circumscribed. But we think that the amount which the jury has arrived at, whilst it is perhaps difficult to explain exactly, is within the competence of a jury and is not, having regard to the facts that have been discussed, so excessive that the Court could interfere. It is an amount which is reasonably open on the evidence, and for that reason we think the appeal should be dismissed.

The appeal is dismissed with costs.