

10 ORIGINAL

IN THE HIGH COURT OF AUSTRALIA

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ARCHER AND THE NATIONAL  
INSURANCE COMPANY OF NEW ZEALAND  
LIMITED

V.

LILL

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REASONS FOR JUDGMENT

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Judgment delivered at Sydney

on Thursday, 6th April 1961

THE NATIONAL INSURANCE COMPANY OF  
NEW ZEALAND LIMITED

v.

LILL

ORDER

Appeal dismissed with costs.

THE NATIONAL INSURANCE CO. OF NEW ZEALAND LTD.

v.

LILL

JUDGMENT

DIXON C.J.

THE NATIONAL INSURANCE CO. OF NEW ZEALAND LTD.

v.

LILL

In my opinion the assessment of damages made by Stanley J. was not excessive having regard to the serious and enduring character of the injuries to the plaintiff.

The appeal should be dismissed.

THE NATIONAL INSURANCE COMPANY OF NEW ZEALAND LIMITED

v.

LILL

JUDGMENT

McTIERNAN J.

THE NATIONAL INSURANCE COMPANY OF NEW ZEALAND LIMITED

v.

LILL

The plaintiff, Lill, was injured in the same accident. The trial judge awarded her the sum of £11,077. 14. 0. consisting of £10,500 general damages and £577. 14. 0. special damages. The defendants claim that this award is excessive. The evidence shows that the girl suffered substantial injuries. She suffered a fracture of the skull which led to two brain operations of a serious nature. As a result of her injury she has a minor type of epilepsy, damage to her left eye and deafness in her left ear. There are scars on her body. Her prospects of marriage and future employment have been seriously impaired. In my opinion, the sum of £10,500 awarded for these injuries cannot be regarded as excessive.

The defendants claim that the incidence of income tax should have been taken into account in the assessment of the special damages. The amount involved (£577. 14. 0.) is a small one and I see no substantial reason to interfere with the judge's finding and computation of loss. I would dismiss the appeal.

THE NATIONAL INSURANCE COMPANY  
OF NEW ZEALAND LTD.

v.

LILL

JUDGMENT

FULLAGAR J.

THE NATIONAL INSURANCE COMPANY  
OF NEW ZEALAND LTD.

v.

LILL

I agree that this appeal should be  
dismissed.



THE NATIONAL INSURANCE CO.  
OF NEW ZEALAND LIMITED

v.

LILL

JUDGMENT

MENZIES J.

THE NATIONAL INSURANCE CO.  
OF NEW ZEALAND LIMITED

v.

LILL

In this case Stanley J. awarded the plaintiff Lill £11,077 damages against the defendants for injuries she suffered in a motor-car accident, and the appeal to this Court was brought by the defendant Insurance Company against the amount of the award.

To dispose of this appeal, which was heard together with the appeal in The National Insurance Co. of New Zealand Limited v. Espagne, I need say no more than that having regard to the very serious injuries which she, a girl of sixteen, suffered, there is no ground whatever for a court of appeal reducing the damages awarded at the trial.

I would dismiss the appeal.

NATIONAL INSURANCE COMPANY OF NEW ZEALAND LIMITED

v.

LILL

JUDGMENT

WINDEYER J.

NATIONAL INSURANCE COMPANY OF NEW ZEALAND LIMITED

v.

LILL

I agree.