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IN THE HIGH COURT OF AUSTRALIA

BERNARD LAUGHRAN ROONEY

Appellant
(Plaintiff)

V.

NICHOLAS CHRISTOFORON MAGGACIS

Respondent
(Defendant)

REASONS FOR JUDGMENT

Judgment delivered at BRISBANE

on 12th September 1963

ROONEY

v.

MAGGACIS

JUDGMENT
(ORAL)

JUDGMENT OF THE COURT
DELIVERED BY TAYLOR J.

CORAM: TAYLOR J.
MENZIES J.
OWEN J.

ROONEY

v.

MAGGACIS

Since the adjournment yesterday we have had the opportunity of looking through the whole of the transcript, and we have come to the conclusion that the appeal must be dismissed.

To a considerable extent, the judgment from which the appeal is brought rests upon the assessment made by the learned trial judge of the credibility of witnesses whose evidence was very much in conflict on the material issues of fact in the case. We were not asked to reconsider this assessment and, indeed, we do not see any ground upon which it could be said to be open to question.

Further, the evidence which his Honour accepted made the conclusion inevitable that the respondent was not guilty of negligence which caused or contributed to the appellant's injuries.

That being so, the appeal will be dismissed with costs.