

JANVRIN AND ANOTHER

V.

GRAY

REASONS FOR JUDGMENT

Oral

Judgment delivered at Sydney

Thursday 18th November 1971

JANVRIN AND ANOTHER

v.

GRAY

JUDGMENT
(ORAL)

McTIERNAN J.
MENZIES J.
WINDEYER J.
OWEN J.
GIBBS J.

JANVRIN AND ANOTHER

v.

GRAY

It appears to us that there was no evidence of contributory negligence on the part of the plaintiff. Had the plaintiff, upon seeing the defendant's car 80 to 100 yards to the left, decided that he could cross the intersection with safety, and forthwith commenced to do so and continued on his course without looking again at the defendant's car, such conduct, in the circumstances of this case, would not have been evidence of negligence.

It is on this ground that we think the order of the Court of Appeal, deciding that there was no negligence on the part of the plaintiff, was correct.

Accordingly, the appeal must be dismissed. Appeal dismissed with costs.