

SIMPSON

V.

BLACK

ORIGINAL

REASONS FOR JUDGMENT

Judgment delivered at **SYDNEY**

on **MONDAY, 14th AUGUST 1972**

SIMPSON v. BLACK

JUDGMENT
(ORAL)

McTIERNAN J.

SIMPSON v. BLACK

ORDER

Verdict for the plaintiff in the sum of
\$12,600 with costs for the plaintiff. Usual order as
to exhibits.

SIMPSON v. BLACK

At the hearing of this matter the main issue in controversy was whether, as a result of the defendant's negligence, the plaintiff suffered brain damage in addition to the other injuries and substantial pecuniary loss. As regards the former, I am satisfied on the evidence (documentary and oral) that the laceration of the plaintiff's left forehead and temple was accompanied by some concussion resulting in minimal cerebral injury.

In assessing damages I cannot exclude from consideration that on the evidence the plaintiff suffered a diminution of earning capacity as a result of the accident. I think therefore that an amount for pecuniary loss should be an element in the general damages.

The major element is, of course, the plaintiff's personal loss, due to the laceration and scarring resulting therefrom, and to the continuing effect of the slight concussion accompanying the laceration.

It is a difficult task, in all the circumstances of the case, to assess adequate and fair compensation for the damage to the plaintiff.

I have come to the conclusion that the sum of \$11,500 is a just amount to award the plaintiff as general damages.

It is agreed between the parties that the proper amount to award for special damages is \$1,100.

I therefore find a verdict for the plaintiff in the sum of \$12,600. I give judgment for that amount with costs for the plaintiff.