

CASE DIGEST



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MT SEA PIONEER & ORS. v. OWOADE ADEYEYE

COURT OF APPEAL (NIGERIA)

(OTISI; SIRAJO; BANJOKO, JJ.CA)

Case Digest: The Topic

Damages: General Damages; Is It Necessary For General Damages To Be Pleaded?

MT SEA PIONEER & ORS. v. OWOADE ADEYEYE

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(OTISI; SIRAJI; BANJOKO, JJ.CA)

Background Facts

Owoade Adeyeye (the Respondent), who was a commercial transporter with a Volkswagen space bus, was hired by Sea Transport Nig. Ltd. and Alhaji Aminu Umaru (the 2nd and 3rd Appellants), through the crew members of MT Sea Pioneer (the 1st Appellant) to convey C-Way bottle water from Ajori market to Waziri Jetty, Apapa, Lagos, where the 1st Appellant anchored. As he was moving the bottled water close to the 1st Appellant at the request of the crew members for his assistance, he alleged that an explosion caused by the breakage of the 1st Appellant's hose occurred, which hit and severely injured him. He further stated that the crew members on board the 1st Appellant, instead of rendering help to him, only threw down a stretcher to help move him away from the scene of the accident, and then hurriedly sailed out of the Jetty to avoid arrest, leaving the Respondent in pain and in the pool of his blood. He was rushed to the General Hospital, Apapa, but due to the severity of the injury, he was referred to the Lagos Island General Hospital, wherein an amputation of his right leg was recommended. Due to the high cost of the surgery at the hospital, he opted to go to a traditional Orthopedic home to receive treatment. During the

period of treatment, the Respondent alleged that the Appellants neither rendered any assistance nor sent a goodwill message to him. He made a further attempt to see the 3rd Appellant with the Doctor's report but was prevented. On this ground, he instituted an action against the Appellants. The Appellants denied the claims of the Respondent, stating that inasmuch as the accident occurred in the course of their engagement of the Respondent, they were however not responsible for the cause of the accident.

Upon the conclusion of the trial, the Federal High Court, Lagos Division (trial court) entered judgment in favour of the Respondent, granting him all the reliefs sought.

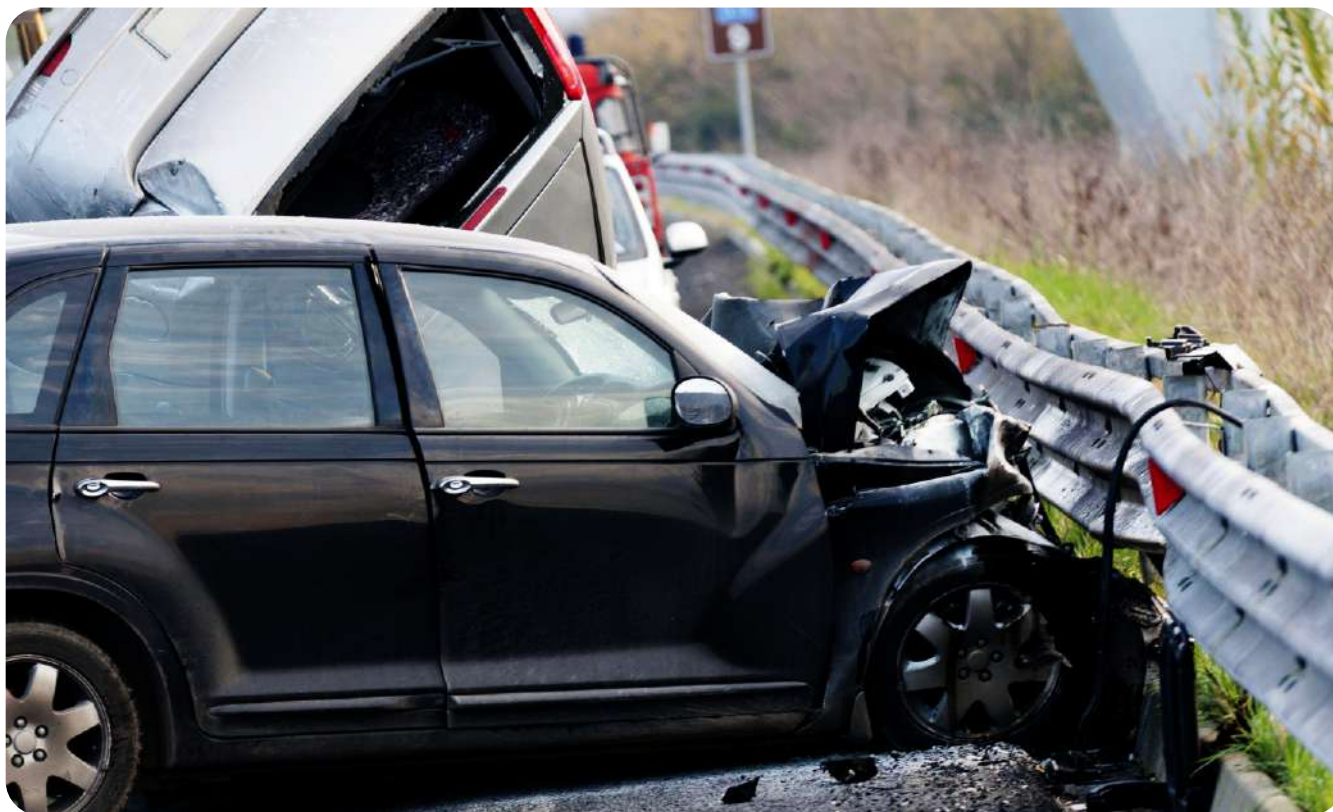
The Appellants being dissatisfied with the judgement of the trial Court appealed to the Court of Appeal. One of the issues for determination on appeal was: *Whether or not awarding the sum of N100,000,000.00 (One Hundred Million Naira) as general damages against the Appellants and in favour of the Respondent was not perverse, unjustified, unwarranted and ridiculous.*

Arguments

Counsel for the Appellants argued that the exercise of the discretion of the trial Court in awarding a whopping sum of N100,000,000.00 (One Hundred Million Naira) as general damages against the Appellants in addition to directing the Appellants to bear the cost of carrying out of adequate surgery on the Respondent was most perverse, unwarranted, unjustified and an outright disregard of legal principles. It was further argued that the totality of the evidence before the trial court was not enough to have suggested that the probable loss suffered by the Appellant as a result of the accident would amount to a whopping sum of N100,000,000.00 (One Hundred Million Naira). Counsel submitted that the lower court took into consideration irrelevant matters in the award of damages as a reading of the judgment would reveal that the learned trial Judge resorted to applying sentiments in making the award against laid down principles of law, hence the amount awarded was ridiculously high. Counsel called upon the Court to resolve the issue in favour of the Appellants and

intervene by setting aside the award of the sum of N100,000,000.00 (Hundred Million Naira) as general damages in favour of the Respondent in order to prevent injustice to the Appellants.

In responding to the Appellants' argument, counsel for the Respondent argued that the Appellants have not shown sufficient reasons to warrant interference with the aforesaid award made by the learned trial judge and that contrary to the Appellants' arguments, the damages awarded against the Appellants is warranted, justified and not perverse or erroneous given the peculiar circumstances of this case. Counsel further argued strongly that the Respondent deserves every kobo of the damages awarded him to assuage his pain, suffering and psychological torture; and that the call by the Appellants on this court to set aside the said award speaks volumes of the Appellants' insensitivity to the Respondent's plight. He prayed the court to resolve this issue in favour of the Respondent and uphold the findings of the lower court in that regard.



Resolution

In resolving this issue, the Court of Appeal held that:

“...In civil claims, general damages are awarded to assuage for the injury, loss or inconvenience or both, suffered by the victim against the person(s) found to be at fault. **General damages need not be pleaded or proved, and it is awarded in a deserving case as monetary compensation to a person who has suffered injury to his person or property as a result of the unlawful act or omission of another person.** The quantum need not be specified as the award is based on what a reasonable man will consider to be adequate in the circumstances. This is the guiding principle for the determination of the quantum of general damages to be awarded in the event a civil claim succeeds. In general terms, the Appellate court is reluctant to interfere with general damages awarded by a trial Judge in the exercise of his discretion...”

Issue partly resolved in favour of the Respondent.

Wahab Dako with Ruth Nwankwo for the Appellants
A. I. Chukwu for the Respondent

This summary is fully reported at (2023)
8 CLRN.

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