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Departmental and Other Notices

COMMONWEALTH OF DOMINICA
THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE
(CIVIL)
CLAIM NO. DOMHCV2012/138

Between:

Reginald Registe

Claimant

and

Timothy Dada
Amard Issac

Defendants

Appearances:

On the written submissions of
Mr. Lennox Lawrence for the Claimant
Mr. Glen Ducreay for the First Defendant

2013: October 23
2014: May 30

JUDGMENT

INTRODUCTORY AND BACKGROUND

[1] LANNIS, MASTER: Timothy Dada (Dada) owned a vehicle which he allowed Amard Issac (Issac) to drive as his servant or agent during the course of his employment with him (Dada). An accident occurred on or about 27th August 2011 along Kennedy Avenue

when Issac negligently drove Dada's vehicle across Hanover Street at its intersection with Kennedy Avenue that it collided with Registe's vehicle. Registe's vehicle was declared a total write off.

- [2] Registe sustained injuries to his left chest and left hand. In his Medical Certificate dated 11th March 2012, Dr. Hendricks Paul, Consultant Surgeon, stated that he examined Registe and there were abrasions and bruising to the left anterior chest associated with swelling, pain and shortness of breath. The fingers of the left hand were painful and swollen. X-rays revealed no bone injuries. He was treated with analgesics and antibiotics. No permanent disability was anticipated.
- [3] Mr. Registe instituted proceedings against Dada and Issac in April 2012 claiming special and general damages for Dada's negligence.
- [4] Dada filed a defence admitting certain aspects of the Statement of Claim and denying others. However, on 21st May 2013, the Master entered judgment against Dada for damages to be assessed.
- [5] Issac, the Second Defendant did not file a defence, and thus on 22nd February 2013, the Registrar of the High Court entered Judgment against him for damages to be assessed.
- [6] On 25th May 2013, and again on 30th September 2013, the Master issued directions on the assessment, but