

The reasons for judgment of the Court were delivered orally by

CHIPMAN, J.A.:

This is an appeal from a judgment in the Trial Division assessing damages for injuries sustained by the respondent in a motor vehicle collision. Agreement was reached between the parties on the percentage of fault for the collision to be assigned to each.

The collision occurred on May 13, 1988. The respondent, then age 18, sustained a dislocation of the right hip, a ligament injury of the right knee and a broken bone in the right hand. There was evidence on behalf of the respondent about the effect of these injuries on his lifestyle and there was medical evidence from three doctors.

The latest medical assessment was based on an examination of the respondent some six months before the hearing and some three years after the injuries were sustained. A C T scan revealed changes in the right hip consistent with post traumatic osteoarthritis. On the basis of this and on demonstrated decreased range of motion in the hip, the prognosis from the physician was that the respondent would develop progressive degenerative disease or arthritis over the next ten years.

There was also evidence that the respondent experienced discomfort in the knee and the prognosis was that he was at a higher risk of developing arthritis there than would have been the case had the injury not been sustained.

The trial judge assessed general non-pecuniary damages at \$41,000 and general damages for future pecuniary losses at \$21,000. After reviewing the record and hearing counsel, we are not satisfied that in so doing he applied any wrong principle of law or awarded amounts so inordinately high as to be wholly erroneous estimates of the damage.

The appeal is dismissed with costs which will be 40% of those awarded at trial, together with disbursements to be taxed.

J.A.

Concurred in:

Hart, J.A.

Hallett, J.A.