

CLAIM FOR DAMAGES

JUDGMENT GIVEN FOR DEFENDANT.

Decision was given in the Magistrate's Court this morning in the case in which James Cochura, labourer, proceeded against Francis James Hoare, of the Condamine Highway camp, claiming £109/14/ damages. Plaintiff claimed the amount for damages suffered through the alleged-negligent driving of a motor truck in which he was riding as a paid passenger on the Condamine highway on April 10th last, when he was thrown from the truck and suffered injury. Defendant denied indebtedness, and claimed that the injury was the result of inevitable accident, or that there was contributory negligence.

Mr. W. J. Vowles appeared for the plaintiff, and Mr. P. Neville (Warwick) for the defendant.

In his decision the Magistrate (Mr. W. E. McKenna) said he was satisfied that there was water on the road in question on the night of April 10th, 1939; and that defendant, on entering an invert took his motor truck over to the left in order to let another motor truck pass him, and thereby struck a guide post, whereby plaintiff was injured. The Magistrate considered that defendant's action was not negligent. He therefore gave a verdict for defendant.

Plaintiff was ordered to pay £18/6/6 costs.