

Bender v. Fink Baking Corporation, 257 N.Y. 530 (1931)

178 N.E. 782

257 N.Y. 530
Court of Appeals of New York.

Morris BENDER, Respondent,
v.
FINK BAKING CORPORATION,
Appellant, Impleaded with Another.

July 15, 1931.

Synopsis

Appeal, by permission, from a judgment of the Appellate Division of the Supreme Court in the First Judicial Department (232 App. Div. 667, 247 N. Y. S. 964), entered January 31, 1931, unanimously affirming a judgment in favor of plaintiff entered upon a verdict, in an action to recover for personal injuries alleged to have been sustained by the plaintiff through the negligence of the defendant. Plaintiff, while riding as a passenger in an automobile, traveling north on First avenue in the city of New York, was injured as the result of a collision which occurred at Seventy-Fifth street, between the automobile in which he was riding and a delivery wagon belonging to the defendant-appellant which, at the time, was being operated in its business.

Attorneys and Law Firms

****782 *531** James G. Purdy, of New York City, and John H. Brogan, of Buffalo, for appellant.

Edward G. Griffin, Moses Feltenstein, and Samuel N. Leiterman, all of New York City, for respondent.

Opinion

PER CURIAM.

Judgment of the Appellate Division and that of the Trial Term reversed as to the defendant **Fink Baking** Corporation on the ground that the trial court erroneously instructed the jury, particularly in stating that to drive on the left-hand side of a one-way street may constitute negligence, and a new trial granted, with costs to abide the event.

CARDOZO, C. J., and POUND, CRANE, LEHMAN, KELLOGG, O'BRIEN, and HUBBS, JJ., concur.

All Citations

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