

[The Rule In Wilkinson vs Downton](#)

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This rule in ***Wilkinson vs Downton (1897) 2 QB 57***, is a very important one. The rule deals with the infliction of physical harm not by assault, battery or false imprisonment. In the particular case, the defendant, who knew it to be untrue, falsely told the plaintiff that her husband had been seriously injured in a motor accident. Due to this news, the claimant had a nervous shock which subsequently inflicted physical illness on her. The court held that she had a cause of action.

Wright J Held:

“The practical joker in this case itself was liable on the basis that he had willfully done an act calculated to cause physical harm to the plaintiff on the basis of the **Protection From Harassment Act 1997**”

Note that since this is not a form of trespass, the claimant must prove actual loss. Liability is imposed in the following circumstances:

1. Where a person intentionally or recklessly inflicts emotional distress on another.
2. The defendant's conduct was extreme and outrageous.
3. The harm intended is severe.
4. The actual resulting emotional harm is also severe

On the basis of the above, intentional infliction of emotional harm is a complementary form of liability covering cases of intentional but indirect causes of physical harm.

SOURCES

1. Lecture delivered by Dr. Bashir Omipidan on Nigerian Law of Torts