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SUPREME COURT OF NEW SOUTH WALES — COURT OF APPEAL

HARPER v ASHTONS CIRCUS PTY LTD

Jacobs P, Manning and Hope JJA

12 September 1972 — [1972] 2 NSWLR 395

CIVIL PROCEEDINGS - NEGLIGENCE IN CONTRACT AND TORT - PLAINTIFF ATTENDED THE CIRCUS AND WAS INJURED WHEN HE FELL FROM THE TOP ROW OF SEATS IN A TENT AT THE CIRCUS - BREACH OF WARRANTY - FAILURE TO TAKE REASONABLE CARE - DEFENCE OF CONTRIBUTORY NEGLIGENCE - JURY FINDING IN THE PLAINTIFF'S FAVOUR - AMOUNT OF DAMAGES INCREASED ON APPEAL.

[Ed Note: The matters discussed by the New South Wales Court of Appeal in this matter are not relevant to the Magistrates' Court]
