

09/72

SUPREME COURT OF NEW SOUTH WALES — COURT OF APPEAL

CHISHOLM v O'NEILL

Jacobs JA, Taylor and Hardie AJA

14 June 1972

CIVIL PROCEEDINGS – CLAIM FOR DAMAGES AS A RESULT OF A MOTOR VEHICLE COLLISION – PLAINTIFF A PASSENGER IN A MOTOR VEHICLE WHICH COLLIDED WITH THE REAR OF ANOTHER VEHICLE – PLAINTIFF'S DRIVER SAID TO BE UNDER THE INFLUENCE OF INTOXICATING LIQUOR AT THE TIME OF THE COLLISION – PLAINTIFF ALLEGED TO BE GUILTY OF CONTRIBUTORY NEGLIGENCE BY LACKING IN REASONABLE CARE FOR HIS OWN SAFETY IN ENTERING THE DRIVER'S MOTOR VEHICLE – VERDICT FOR PLAINTIFF PLUS A FINDING OF CONTRIBUTORY NEGLIGENCE – BY MAJORITY, APPEAL ALLOWED AND VERDICT ENTERED FOR A CERTAIN SUM – ON APPEAL TO THE HIGH COURT SEE (1972) 47 ALJR 1.

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