

CANADA / JUDGMENT

Foran v. Kapellas

[1975] 1 SCR 46**COURT**

Supreme Court of Canada

DECIDED

21 December 1973

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Foran v. Kapellas Collection Supreme Court Judgments Date 1973-12-21 Report

[1975] 1 SCR 46 Judges Judson, Wilfred; Ritchie, Roland Almon; Spence, Wishart Flett; Laskin, Bora; Dickson, Robert George Brian On appeal from Ontario Subjects Torts Decision Content Supreme Court of Canada Foran v. Kapellas, [1975] 1 S.C.R. 46 Date: 1973-12-21 Mary E. Foran (Plaintiff) Appellant; and Spyros Kapellas and Elizabeth L. Smith (Defendants) Respondents. 1973: October 11; 1973: December 21. Present: Judson, Ritchie, Spence, Laskin and Dickson JJ. ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO. Damages—Motor vehicle accident—Whether deterioration of health caused by motor vehicle accident. APPEAL from a judgment of the Court of Appeal for Ontario affirming the judgment of Henderson J. at trial. Appeal dismissed with costs. Mary E. Foran, in person. B. O'Brien, Q.C., for the respondents. The judgment of the Court was delivered by RITCHIE J.—This is an appeal from a judgment rendered by Mr. Justice Aylesworth on behalf of the Court of Appeal for Ontario affirming the judgment rendered by Mr. Justice Henderson at trial whereby he awarded the appellant general damages in the amount of \$12,000 and special damages of \$5,859.58 in respect of injuries sustained in a motor vehicle accident which occurred on October 8, 1964, for which Spyros Kapellas was found to have been 100 per cent responsible. The appellant, who appeared in person, sought to have the amount of damages increased so as to compensate her for a deterioration in her health and nervous condition after the year 1966 which the learned trial judge had expressly found not to be attributable to the accident. After a careful consideration of the arguments presented by the appellant and counsel for the respondent, I have concluded that there is nothing which I can usefully add to the reasons for judgment delivered by Aylesworth J.A. on behalf of the Court of Appeal for Ontario, affirming the reasons and conclusion of the learned trial judge, with which I am in full agreement. I would accordingly dismiss this appeal with costs. Appeal dismissed with costs. The plaintiff, appellant in person. Solicitor for the defendants, respondents: Shearer & Co, Toronto.

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Prepared on 25 October 2026 · Esheria