



HARRIS  KYRIAKIDES

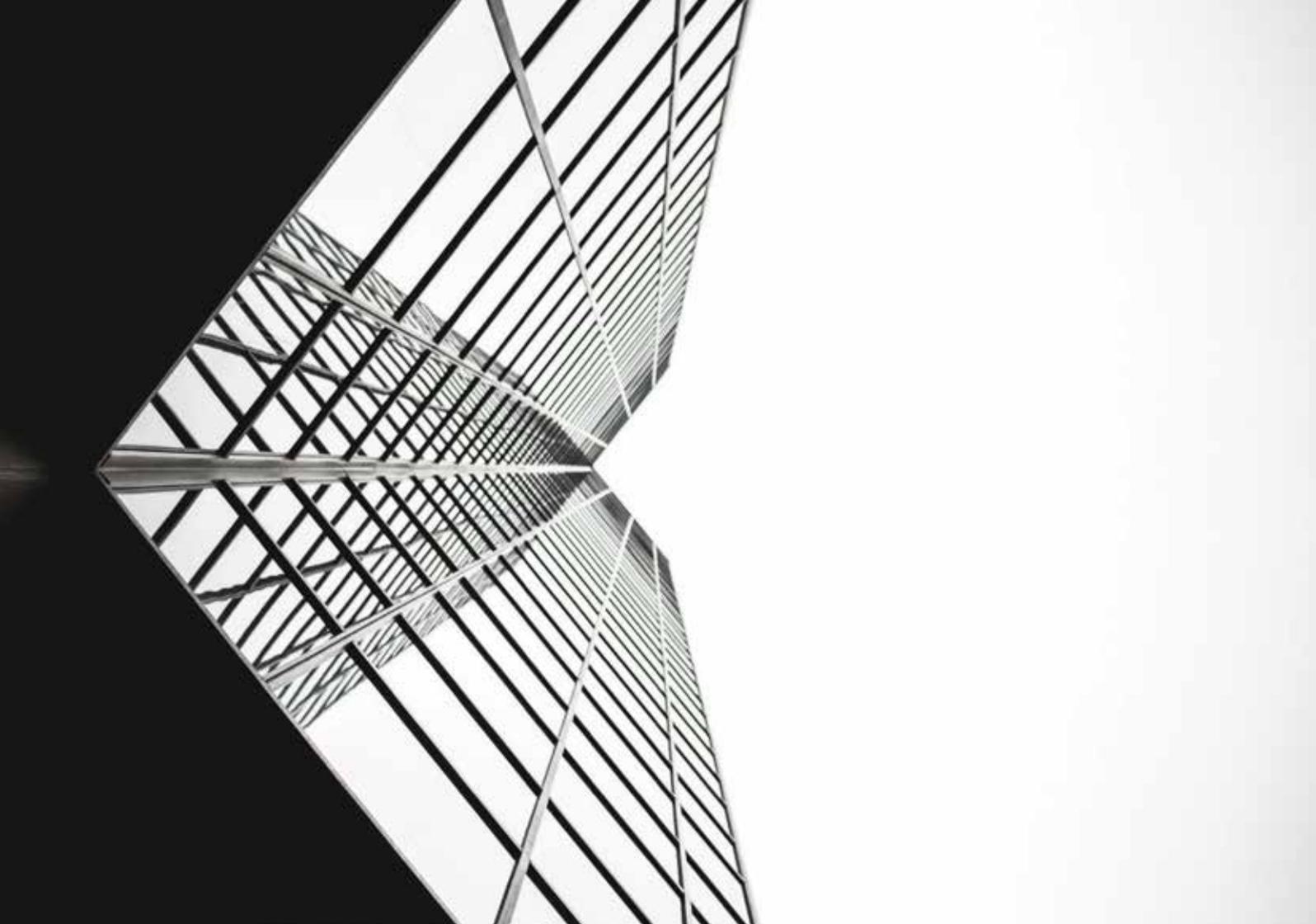
Compensation in accident cases in 2019

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Introduction

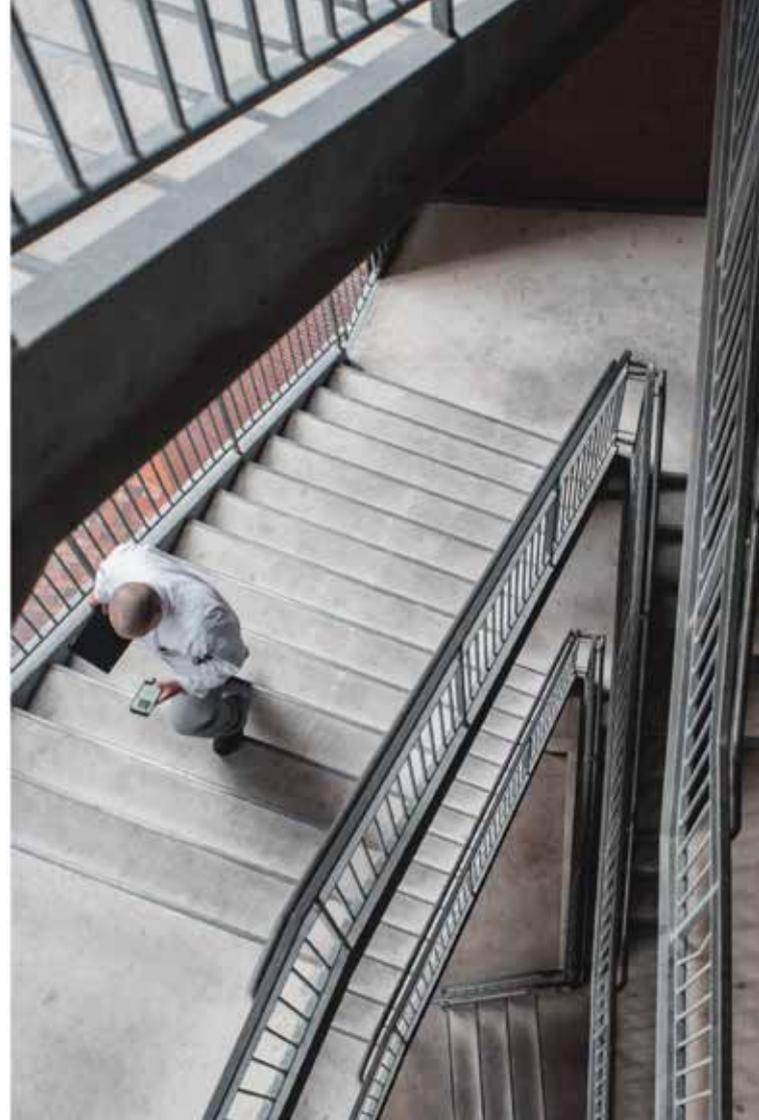
We operate one of the biggest departments of insurance law in Cyprus and we represent some of the biggest insurance companies. We also represent natural persons in insurance disputes of all types, including severe injuries cases. We specialize in, among others, cases of road traffic accidents, accidents at work, professional liability, property damage, and procedures of compliance with insurance law. Our experience, expertise, domestic knowledge, and familiarity with modern technology enable us to face the challenges of insurance law in modern times. We seek to identify unreasonable claims, if any, and give legal advice at an early stage, seeking to achieve successful settlement from the onset of a dispute, while in cases where actions are taken to Court, the teams of our litigation department provide legal representation, defending the interests of our clients and seeking to assist the Court in achieving a just outcome in relation to the matters of the litigious dispute. We prepare detailed case assessments, presenting various scenarios and their possibilities before and after the initiation of actions. We also provide analytical reports of cases to foreign reinsurance companies. Lastly, we provide legal services for recovery cases and insurance disputes that extend into more than one jurisdiction.





Review 2019

The following pages provide a summary of the decisions of the Cypriot Courts (firstly of the Supreme Court and subsequently of first-instance courts) that were issued in 2019, in which compensation was awarded for injuries resulting from any form of accident. The purpose of the following collection of decisions is to provide an indication of the scale of compensation for various personal injuries. However, as repeatedly pointed out by the courts, previous decisions in relation to compensation do not necessarily constitute any binding precedent. Particularly, the courts illustrate that there is no standard valuation measure for human pain. The judgements of Courts in other decisions simply provide a general guidance because it is not possible for two people, who have been injured under totally different conditions and circumstances, to suffer the same personal injuries, pain and discomfort. However, when there exist, with regard to past cases, either a relevance to the trauma, or similarities in the extent, type, or result of the traumas, it is right and fair for Courts to draw guidance from, and take into account, the scale of compensation awarded in other cases. Consequently, while it is true that the courts are led to the determination of the amount of the compensation based on the case-law, they first and foremost have to take into consideration the conditions and circumstances of the case.



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Civil Appeal Number	48/2013
Date of Judgement	15.02.2019
Parties	Lazaros Hadjiforados & Sons Ltd. V. Louka
Court	Supreme Court (M. Nikolatos, D. Michailidou, G. Giasemi)
Facts	<p>The Appellee, 39 years old, as a result of a work accident, while performing manual labor, sustained an injury to the lumbar spine on pre-existing asymptomatic osteoarthritis, which resulted in the worsening of the osteoarthritis and finally resulted in causing disc hernia. This was hernia at the L3-L4 levels of the intervertebral disc, with pressure of the left sciatic nerve. As regards his mental health, it was found that it was, already, to an extent, burdened, but the accident made it even worse due to his inability to work. The Court of Appeal did not vary the judgement of the first-instance Court, since it deemed that the health problems faced by the Appellee were causally linked to his injury to the waist region.</p>

General Damages €35.000

Civil Appeal Number	81/2013
Date of Judgement	14.05.2019
Parties	Koumi v. Kiriakou
Court	Supreme Court (St. Nathanail, K. Stamatiou, A.S. Pougourou)
Facts	<p>The Appellee, aged 20, specialized in construction, as a result of a traffic collision sustained severe traumatic brain injury, acute subdural hematoma acute subdural hematoma of the left temporal lobe of a 3 millimetre thickness, skull fracture, lesions on the upper lungs, hemothorax (both), and a pelvic fracture. Furthermore, it was found that he displayed personality disorder, with excessive irritability and impulsive behaviour manifested by aggression and destructive tendencies. He also showed emotional instability with periods of depression with reduced interest and suicidal thoughts. This personality disorder was a consequence of the brain injury and had a negative effect on the well-being, interpersonal relationships and professional career of the Appellee. Over time, only a small improvement was expected. Although he previously worked in construction, the construction environment was not identified as appropriate for him to work in. The first-instance Court adjudicated as general damages for full liability the amount of €120.000. On Appeal, the Supreme Court stated that the above amount is considered reasonable and fair compensation. Furthermore, in relation to the flat rate of €80.000 adjudicated to the Appellee for loss of future income, the Supreme Court indicated that having in mind that at the time of the accident, the Appellee was 20 years old and can no longer practice the occupation of construction worker or worker in constructions he previously did, it was deemed that the amount of €80.000 was fair and reasonable for the loss of future income. Both the First-instance and the Supreme Courts indicated that on the basis of the evaluation of the evidence and the relevant findings, it was not expedient to use the multiplier and multiplicand to calculate the loss of future income of the Appellee.</p>
General Damages	€120.000

Civil Appeal Number	486/2012
Date of Judgement	10.09.2019
Parties	Gerolemou v. Attorney General of the Republic and others
Court	Supreme Court (M. Nikolatos, P. Michailidou, T. Oikonomou)
Facts	<p>The Appellant, a part-time employee at the Larnaca airport, after a traffic collision, which happened at the Larnaca airport during his employment, suffered a right ankle and heel injury. The term injury also covers the sprain as explained by the medical evidence presented. It was a simple sprain, a simple injury. The Appellee also had a 3 mm wound and his leg was bandaged. The bandaging, which was performed on the ankle, started from the toes and ended up in the middle of the tibia. He was given painkillers (distalgescic and panadol). The Appellant was discharged from the hospital shortly after his examination and was granted sick leave by his private doctor from 23.4.2007 until 5.6.2007. The Supreme Court stated that the amount of €2,000 awarded at first instance for full liability for bodily harm was indeed very low and increased it to €4,000.</p>

General Damages €4.000

Civil Appeal Number 164/2013
Date of Judgement 18.09.2019
Parties Nikolaou v. Challoumi
Court Supreme Court (St. Nathanail, K. Stamatiou, A.S. Pougiourou)

Facts The Appellee, a civil engineer aged 51, as a result of a traffic collision, sustained a fracture of the lateral malleolus. He was hospitalized at the General Hospital of Nicosia for 9 days and underwent reduction of the injured limb surgery for the placement of osteosynthesis materials. His leg remained in a plaster splint for 1 month. The Appellee was absent from work for a period of 4 months. Even before the adjudication of the case, he still felt irritations and as a permanent remnant of the injury there was a 20° reduced plantar flexion of his injured limb which prevents him from walking on uneven ground, as well as downhill. On appeal, the amount of €20.000 for general damages was not challenged.

The appeal regarded the adjudication of the amount of €25.000 for reduced income capacity, as well as the fact that interest was adjudicated on the above amount from the day of the filing of the action and not from the date of the issuance of the judgement. The Supreme Court determined that, in spite of the fact that there was an increase in the monthly income of the Appellee, by approximately €1.000 per month, in a period of 6 years after the accident, the adjudication of the above amount is justified for the reason that evidence was adduced that the Appellee after the accident could not perform his duties in the same speed. The Court mentioned that the Appellee, as a civil engineer, faces difficulties in the performance of his work, and, especially, when supervising construction sites which is an important part of his work. And this is because it is required that he walks up and down stairs and walking on uneven ground. In this respect, the conduct of his work is rendered more time consuming, and as a result, while he previously could proceed to the supervision of multiple construction sites, due to his injury, he had to restrict himself to the supervision of two construction sites per day. Regarding the adjudication of interest on the adjudicated amount for the loss of income ability, the Court deemed that tax should not be adjudicated, save for from the day of the issuance of the judgement.

General Damages €20.000

5

Civil Appeal Number	327/2012
Date of Judgement	25.09.2019
Parties	Kalli v. Agathonos
Court	Supreme Court (M. Nikolatos, A.R. Liatsos, T.Th. Economou).
Facts	<p>It was a finding of the first-instance Court that the disc hernia sustained by the Appellant was not the causal result of the litigious traffic accident and that the Appellant simply suffered a mild fracture of the cervical spine. The Supreme Court, referring to the finding of the first-instance Court that the Appellant faced the problems in question directly after the traffic collision and that he continued to face them during the hearing of the case, 6 years later, indicated that even if the condition is considered pre-existent, there had been worsening of the previously asymptomatic condition, for a period much longer than average, namely 4-6 weeks, as in the relevant medical evidence. On the basis of the above it deemed that the amount of €4.000 as general damages for injury, pain, and hardship that was adjudicated at first instance was clearly insufficient and raised it to €10.000.</p>

General Damages	€10.000
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Civil Appeal Number	26/2013
Date of Judgement	26.11.2019
Parties	Michailidou v. Hadjinicola
Court	Supreme Court (St. Nathanail, L. Papparinos, T.Ps. Miltiadou)
Facts	<p>The Appellant, as a result of a traffic collision, suffered neck and left upper extremity pain, which, although it preceded the accident, nevertheless worsened. Due to injuries from previous accidents and spinal fusion surgery she underwent 5 years before the litigious accident, she was vulnerable to new injuries. Furthermore, it was a finding of the first-instance Court that the Appellant suffered from anxiety depression since 1999, but due to the litigious accident, her neurological and psychological condition worsened. The case of the Appellant was that as a result of the accident she sustained hernia of the intervertebral disc in the C6-C7 region and myelopathy, namely new injuries, and not a worsening of her pre-existing condition. On the basis of the above, the Appellant claimed that the amount of €20.000 that was adjudicated by the first-instance Court in her benefit in the form of general damages was insufficient. The Supreme Court indicated that the Appellant sustained a worsening of her health due to the litigious accident and that the general damages that were adjudicated in first instance were not only under the circumstances sufficient but it characterized them as very generous.</p>
General Damages	€20.000

Civil Appeal Number	3256/2012 and 3257/2012
Date of Judgement	11.01.2019
Parties	Skarnos v. Koulouma and others & Timotheou v. Koulouma and others.
Court	District Court of Larnaca (A. Pantazi-Lamprou, D.J.)
Facts	<p>The Claimant in the action 3256/2012, as a result of a traffic collision, suffered a fracture of the cervical and lumbar spine. Due to persistent disturbances, he visited a private doctor the next day, where he was diagnosed following clinical examination and on the basis of the radiological examination that had preceded at the General Hospital of Larnaca that he had a straightening of the cervical spine and the lumbar spine without a fracture image. Due to the muscular weakness of the Claimant (he had 3/5 muscle strength) there was a risk of paralysis and for this reason it was deemed necessary to treat him. He received sick leave for 1 month (no clear findings were recorded for the injuries of the Claimant by the Court).</p> <p>The Claimant in the action 3257/12, as a consequence of the same traffic collision, suffered vertebral neck fracture with straightening, thoracic fracture and fracture of the 8th side on the left. A special neck collar was placed, intravenous medication was given, directions were given to lay her down, and an oxygen mask was placed. She remained at the Timios Stavros Hospital for one night. Even 4 months after the accident, she displayed occasional pain to the lumbar spine after intense fatigue and in the left hemithorax. Today she displays as permanent remnants, acute pain in accord with weather changes and after fatigue, in the neck, and often takes painkillers to ease the pain.</p>
General Damages	<p>€5.000 to the Claimant in the action 3256/2012</p> <p>€8.000 to the Claimant in the action 3257/2012</p>

Civil Appeal Number 400/2013
Date of Judgement 18.01.2019
Parties Patousis v. Katsantonis v. Zaxarias
Court District Court of Larnaca (Th. Thoma, S.D.J.)

Facts The Claimant, a conscript in the National Guard, 19 years old, as a result of a traffic collision, was transferred to the Larnaca General Hospital where it was found that he suffered contusions in the upper lungs, a fracture of the left shoulder blade and a fracture of the 4th side on the left, as well as a small subcutaneous emphysema corresponding to the fracture of the rib. The next day, there was an increase in the size of the pneumothorax, so he was taken to the operating room, where, under local anaesthesia, a thoracostomy tube was placed. His postoperative course was smooth, without complications and after the thoracostomy tube was removed, he was discharged from the hospital 8 days after the accident. Subsequent examinations revealed that the Claimant during the accident in question had sustained complete rupture of the posterior cruciate ligament of the right knee, extensive intrahepatic rupture of the anterior cruciate ligament, fracture of the external femoral condyle, fracture of the outer compartment of the tibia and partial rupture of the type II medial collateral ligament. There was also a collection of liquid. He underwent surgery for the rupture to the anterior cruciate ligament, with a tendon graft taken from the back of the knee. For the rupture of the posterior cruciate ligament he did not undergo any surgical rehabilitation. The Claimant remained in the clinic for two days and came out immobilized with a special splint. He received anticoagulant therapy for about a month. For a period of 15 days he underwent an intensive physiotherapy program in his clinic and then was referred for continued physiotherapy by a physiotherapist. After 35 days, the splint was removed and he started walking without the help of underarm crutches. It took him about 7 months to fully recover. In relation to the posterior cruciate ligament, a small degree of instability remains as a remnant thereof, for which no treatment is indicated. Periodic mild discomfort is expected in the area of the shoulder fracture after fatigue, humidity and weather changes, which, however, will not require medical examination or medication, but will be restored with rest. He is also expected to experience a periodic sense of weight loss in the knee. There are also 2 small healed scars 3 centimetres long on the left chest wall and 4 centimetres on the inner surface of the upper part of the right tibia.

General Damages €55.000

Civil Appeal Number	1238/2012
Date of Judgement	18.01.2019
Parties	Larkou v. Boldinog
Court	District Court of Limassol (Chr. G. Filippou, S.D.J.)
Facts	<p>The Claimant as a result of a traffic collision, suffered a crushing fracture in the left tibia and fibula. In the area of the fracture there was a small bruise that was surgically treated with a bone graft and metal prostheses were placed which were removed 26 months after the first operation. Furthermore, it was found that he sustained moderate injury to the left tibial nerve and slight injury to the peroneal nerve, resulting in residual arthritis in three toes of the Claimant's foot which, as explained, is the deviation of the straight line of some fingers and the display of a degree of bending thereof. This residue is due to the relevant deformity of the fingers and left post-traumatic weakness of the left limb. The arthritis of the hand is not a permanent residue and may be removed with minor surgery. The 2 scars, 15 centimetres long, on the anterior surface of the left tibia and 2 centimetres on the posterior surface of the gastrocnemius, will remain.</p>
General Damages	€20.000 (the action was dismissed – liability was not proven)

10

Civil Appeal Number 1179/2016

Date of Judgement 30.01.2019

Parties AA, a minor from Limassol via his parents and closest relatives and friends and/or caregivers, PA and HA v. SGG

Court District Court of Limassol (M. Agiomamiti, D.J.)

Facts The Claimant, aged 6, as a result of a car accident, was transferred to the General Hospital of Limassol, where he underwent a blood and biochemical examination, as well as X-ray scanning of the skull, sternum and thorax. Furthermore, he showed dizziness and a tendency to vomit. He left the Limassol General Hospital the next day. He showed phobias, insecurities, sleep disorders and occasional nocturnal enuresis. At the same time, he felt uncomfortable when he was in a car and did not want to travel. These symptoms occurred for at least 6 months after the accident.

General Damages €2.000 (fast track case)

Action Number	9078/2010
Date of Judgement	07.02.2019
Parties	Kortas v. Attorney General of the Republic
Court	Nicosia District Court (D. Theodorou, D.J.)
Facts	<p>The Claimant, a conscript in the national guard, in the performance of his military obligations, suffered a hairline fracture of the scaphoid bone of his right upper limb. Due to a misdiagnosis that the ligament was injured, proper treatment was not followed and the wrist was simply bandaged instead of the limb being placed in a plaster splint, resulting in the original hairline fracture being transformed into a displaced fracture, which had as a complication the creation of a false joint. The false joint was treated surgically, causing additional pain and discomfort. As a permanent remnant, the restriction to the extreme movements of the right wrist (up and down) by 10° remained. Until the issuance of the judgement, the Claimant, after persistent manual labour and/or after weather changes, experienced pain and stiffness. Furthermore he will not be able to follow his dream to be a Surgeon and was forced to follow another branch of Medicine.</p>
General Damages	€30.000

12

Action Number	722/2011
Date of Judgement	20.02.2019
Parties	Morfi v. Nasedkina
Court	Nicosia District Court (A.K. Likourgou, S.D.J.)
Facts	<p>The Claimant as a result of a traffic collision sustained injury (sprain or fracture), of the soft tissue of the cervical spine. This injury was treated fully in a period of 3 months after the accident. No remnants of the said injury remained. Three (3) months after the accident he was diagnosed with simple bulging between the third and fourth cervical intervertebral disc, without nerve-type pressure of the components. Fourteen months after the accident he was diagnosed with post-traumatic C4/5 and C3/4 disc bulging, myelopathy and instability of the 4th cervical spine with ligamentous slip of C4/5 and underwent discectomy and discoplasty surgery using a PCM type cervical disc, in the C4/5 intervertebral space of the cervical spine. The Court decided that the above surgery was not a result of the accident and furthermore was not an indicated method of treatment. It was a finding of the Court that as a result of the litigious accident, the Claimant only suffered a sprain or fracture of the soft tissue of the cervical spine and was treated for this injury within 3 months after the accident.</p>
General Damages	€12.000

13

Action Number	6652/2011
Date of Judgement	22.02.2019
Parties	Tirimou v. Theodoulou
Court	District Court of Nicosia (A.K. Likourgou, S.D.J)
Facts	<p>The Claimant, 21 years old, mechanic, as a result of a traffic collision, sustained a fracture of the femur of the left lower extremity, fractures of the diaphragm and the head of the tribune and the ulna of the right upper extremity. To treat these injuries, the Claimant underwent two surgeries, in which osteosynthesis materials were placed, he remained hospitalized for a period of 10 days and moved using crutches for a period of 6 months. As permanent remnants, the Claimant has a permanent shortening of the left lower extremity 1.5 to 2 centimetres, as well as a limited stiffness and a limited reduction of the ability to rotate the right upper extremity. The shortening of 2 centimetres results in the Claimant being forced to use a lifting bottom. Furthermore, the shortening puts a strain on the spine, making it difficult to walk and perform as a motorcycle mechanic and rendering him unable to exercise. The Claimant underwent 30 physiotherapy treatments and received sick leave for 3.5 months. In the future, the Claimant will have to undergo 3 surgeries to remove the osteosynthetic materials. In addition to the general damages, €20,000 was awarded on full liability for loss of income.</p>
General Damages	€90.000

14

Action Number 83/2011

Date of Judgement 12.03.2019

Parties Christodoulou v. Loizou

Court District Court of Limassol (L. Paschalidis, D.J.)

Facts The Claimant, 50 years old, a builder, suffered a neck fracture, lumbar fracture as a result of a traffic collision. He underwent physiotherapy and took a lot of medication. These injuries triggered and aggravated a pre-existing mild to severe cervical syndrome, which before the accident did not in any way affect the normal life and work of the Claimant as a builder. Since then, he has developed serious problems which consist of painful neck stiffness with limited mobility and range of motion of the cervical spine on all axes due to breakage of soft neck tissue, superficial hypersensitivity of C5 - C6 - C7 upper roots, right upper extremity muscle loss (4/5) in biceps and triceps, posture and gait instability, Romberg - + point, degenerative lesions in the form of vertebral arthritis, sclerotic lesions in the final plates of the vertebrae, osteophyte formations, intervertebral disc hernia of the spine, and hypertrophic lesions in the intervertebral facet joints, which as a whole cause narrowing in the lateral foramen and the central tube. Between C5/6 + C7/Th1, projections of intervertebral discs cause destruction of the subarachnoid space and a sub-impression on the spinal cord. As a result of this situation, the Claimant cannot be subjected to any kind of physical exertion, nor can he perform any manual labour of the nature required by the profession of a builder. To date, there has been no urgent need for surgery, but in the future it may be necessary to undergo surgery (double surgery and spinal fusion). About a year and a half after the accident and until the issuance of the decision, the Claimant was receiving a disability pension (75%) from Social Insurance. In addition to the amount of general damages, the Court awarded €30,000 for loss of future income due to the inability of the Claimant to practice the profession of builder.

General Damages €30.000

15

Action Number	715/2012
Date of Judgement	22.03.2019
Parties	Nikolaou, a minor through his parents and closest friends and relatives and caregivers Nikolaou and Nikolaou Loiza, also known as Loiza v. Voulgaridou
Court	District Court of Limassol (Ch. Hadjigeorgiou, D.J.)
Facts	The Claimant, aged 5, as a result of a traffic collision, suffered a mild head injury and a neck fracture. One month after the accident, he had tenderness and muscle cramps in his neck. He suffered from his injuries for 5 weeks. After a period of 5 weeks he fully recovered.

General Damages €3.000

16

Action Number 1685/2008

Date of Judgement 12.04.2019

Parties Hadjiioannou v. Theodorou

Court District Court of Nicosia (G. Stylianidis, S.D.J)

Facts The Claimant, 24 years old, a mechanical engineering student and a carpenter and a gypsum board worker with a salary of 150 Cypriot pounds per week, suffered serious head injuries as a result of a work accident. The middle of the face was sunken with mobility of the upper jaw, fracture of the frontal bone with sinking, degree of deformity due to the lower right ankle. Disorder of convergence and fracture of a tooth. He underwent a tracheostomy, in the right subcortical area there was a deficit and grafting was made with PDS, the fractures were repositioned with plates and intermittent immobilization took place. Haemorrhagic lesions of the frontal lobes have caused permanent damage to the cerebral parenchyma and the occurrence of psychoorganic syndrome in the future is not ruled out, as well as post-traumatic epilepsy. One month after the accident, he developed a thrombosis. Three months after the accident, a craniotomy was performed because there was rhinorrhea with cerebrospinal fluid. The Claimant suffered a severe traumatic brain injury. Permanent remnants include loss of sense of smell due to damage to the olfactory nerve caused by the fracture and the sense of taste is reduced. He also suffers from numbness in the upper right gums associated with a fracture that has damaged the subcortical nerve. In addition to the general damages, €50,000 was awarded as a flat rate for the loss of future income.

General Damages €120.000

17

Action Number	432/2018
Date of Judgement	19.04.2019
Parties	Konstantinou v. Michail
Court	District Court of Limassol (Ch. Hadjigeorgiou, S.J.)
Facts	<p>The Claimant, as a result of a traffic collision, sustained a somewhat severe concussion, severe soft tissue fracture and severe spinal cervical sprain resulting in spinal instability during flexion and extension, and a milder lumbar spine fracture, as well as soft tissue damage of the anterior thoracic and ventral molars, of the thoracic spine and of both knees and fracture of the adductor muscles of the right thigh during her accident. She initially experienced severe pain and suffered considerable discomfort. She still suffers to a lesser extent, but still enough to limit her activities and ability to exercise her work, home and other obligations. Her symptoms, especially in the neck, are expected to continue indefinitely and will need medical attention, treatment and physiotherapy to relieve the pain. The chances of developing post-traumatic cervical syndrome in the future are very high.</p>
General Damages	€8.000 (demonstration of case due to non filing of an appearance note)

18

Action Number 4626/2012

Date of Judgement 25.04.2019

Parties Vasiliou v. Gan Direct Insurance Ltd

Court District Court of Limassol (P. Kyriakidis, D.J)

Facts As a result of an accident, the Claimant suffered a slight cervical sprain. The Claimant's allegations that she suffered a concussion were rejected due to the fact that the medical history did not reveal the symptom of concussion, but also because the Claimant did not undergo radiological examinations and was not kept in a hospital for follow-up, as usual practice when a person has a concussion. It was found by the Court that the Claimant had undergone 12 sessions of physiotherapy and that she had suffered from a mild cervical sprain for a period of 15 days.

General Damages €1.000

19

Action Number	2369/2013
Date of Judgement	06.05.2019
Parties	Zacharia v. Christou
Court	District Court of Larnaca (I. Georgiou, S.D.J.)
Facts	<p>The Claimant, aged 32, as a result of a traffic collision, sustained a Gustilo II open fracture in the upper left ulna, stabilized with K-Wires, bipolar intra-articular fracture in the upper tertile of the left radial, which was fixed with plate-screws and fracture - dislocation of the right pelvic joint which was treated by rearranging and stabilizing the lower end of the radial with plate and screws. Gypsum splints were placed on both his hands, as a result of which he could not take care of himself for a period of about 6 weeks. In both hands there are scars due to the surgeries that were performed and especially in the left upper extremity there are scars 13 and 3 cm, as well as a scar 6 centimetres in the right upper extremity and especially in the lower third of the forearm. His postoperative course was smooth and he was monitored regularly as an outpatient. He was granted a three-month sick leave and underwent a total of 64 physiotherapy sessions, which lasted about 6 months. The recovery from his injuries was painful. Permanent remnants are the small extension and bending deficit of the wrist of 10° as well as the underdevelopment deficit around 5° and 10°. In the future, it may be necessary to remove the osteosynthetic material from both hands. After manual labour he feels pain and discomfort in his left hand. He feels uncomfortable with decrease in temperature. His military career has not been affected.</p>
General Damages	€50.000

20

Action Number 527/2019

Date of Judgement 06.05.2019

Parties Xenofontos v. Fotiou

Court District Court of Limassol (M. Agiomamiti, D.J)

Facts The Claimant, as a result of a traffic collision, suffered a whiplash sprain of the cervical spine, right shoulder and right wrist injury, lower left side injury and mild concussion. She received medication, which consisted of painkillers, anti-inflammatory and muscle relaxants. She also used a neck collar for a while. Due to her aforementioned injuries, she received sick leave for a period of 2 months. The allegation that she was suffering from her injuries until the issuance of the decision was dismissed.

General Damages €4.500

21

Action Number	2298/2011
Date of Judgement	21.05.2019
Parties	Frixou v. Papakosta
Court	District Court of Limassol (Ch. Hadjigeorgiou, D.J.)
Facts	The Claimant, aged 56, a professional truck driver, as a result of a traffic collision, suffered a sprained ankle and a cracked fracture of the medial pin. He received sick leave for a period of 45 days. After a few weeks the wounds had healed. During the above period, he took painkillers, he walked with crutches and had difficulties in his daily activities. The Claimant was not treated, did not receive any medication other than painkillers and was completely cured.

General Damages €6.000 (the action was dismissed – liability was not proven)

Action Number	602/2012
Date of Judgement	23.05.2019
Parties	Argyrou v. Mastrou
Court	District Court of Famagusta (M. Charalampous, D.J.)
Facts	<p>The Claimant, aged 40, a career maid, as a result of a car accident, suffered contusion of 8 sides on the right, from the 2nd to the 9th side, 4 of which are double and 1 is a triple fracture, multiple foci of lung contusion of the right lung and hematopoietic thorax on the right. From the accident, the Claimant lost consciousness where, due to the severity of her condition, she was transferred to the Intensive Care Unit of the General Hospital of Nicosia. Her injuries were treated with a chest drainage tube which is considered a minor surgery. Additionally, the Claimant suffered a fracture of the right clavicle with misalignment, neck fracture, right shoulder fracture with small ruptures of the supraspinatus and submandibular muscle. Multiple foci of right lung and pulmonary haemorrhage on the right were very dangerous to her health, which, if not treated in time, could result even in death. She was hospitalized for a period of 10 days. Due to the development of post-traumatic degenerative lesions in the supraventricular tendon, she underwent arthroscopic surgery of the right shoulder 5 years after the accident. The permanent remnants of the Claimant from the injury are that she cannot sleep on her side, she does not have full mobility of the right shoulder and arm, has pain in the area of the right shoulder, there is a projection in the right clavicle, she has pain in the ribs when she makes extreme movements and with weather changes and finally has a deformed spot under the right armpit. She cannot perform the duties of a maid, as she had in her career prior to the operation.</p>
General Damages	€30.000

23

Action Number	1796/2011
Date of Judgement	06.06.2019
Parties	G. M., a minor through her closest relatives and/or friends and/or parents and/or caregivers I. M. father and A. I. mother v. Attorney General of the Republic of Cyprus
Court	District Court of Nicosia (G. Kithreotou – Theodorou, D.J.)
Facts	<p>The Claimant, a second grade primary school student, aged 7, after falling, she struck her eye with a pencil and suffered an eye injury. She underwent surgery the same day, where she was found to have a perforation in her left eye and fragments of wood and carbon from a pencil trapped in an open wound. The wound was cleared, sutured, the anterior chamber of the eye reconstructed, and intravenous antibiotics were administered. However, a foreign body remained in the eye, which, due to its location, was deemed ineligible for removal. The rupture of the iris of the left eye caused by the injury resulted in the eye losing the ability to regulate how much light enters the eye. This causes the visual problem to be visible in bright light conditions. In order to be able to drive, she will have to undergo surgery in the future to treat the traumatic cataract, iridoplasty and removal of the foreign body that remains in the eye. Due to her injury, the Claimant experienced feelings of fear and anxiety for a long time.</p>
General Damages	€40.000

Action Number	4557/2012
Date of Judgement	05.07.2019
Parties	Irinel v. Cristian
Court	District Court of Limassol (L. Paschalides, D.J.)
Facts	<p>The Claimant, aged 33, as a result of a traffic collision, suffered major trauma, abdominal supraventricular abscesses (lower abdomen) and right lateral abdomen, comminuted left frontal bone fracture (eye socket roof) with accompanying lung-brain and craniocerebral injury, for the treatment of which conservative drug therapy was recommended with antibiotics and painkillers, and rest. After the accident, the Claimant was transferred to the General Hospital of Limassol, however, due to the severity of his condition, he was transported by ambulance to the General Hospital of Nicosia at the Neurosurgery Clinic, where he was treated for 6 days and then discharged in good neurological condition. The Court found that the Claimant's injuries were serious and his life was at risk. He was re-examined 20 days later at the regular outpatient department of the neurosurgery clinic and was found to be in good neurological condition. He underwent a new CT scan that showed a reduction in cerebral contusions and intracranial air. He received sick leave for 50 days. There was no allegation of any permanent remnants from his injuries.</p>
General Damages	€15.000

25

Action Number	963/2012
Date of Judgement	15.07.2019
Parties	Mpalampanidis v. Michail and others
Court	District Court of Limassol (L. Paschalidis, D.J.)
Facts	<p>As a result of a traffic collision, the Claimant suffered a sprained neck, but not a serious one, which was treated with medication and the use of a cervical collar for 15 days, from which the Claimant recovered shortly after the accident. He did not undergo physiotherapy and did not have time to rest for the full period recommended to him and all this despite the fact that he still felt, as he claimed, intense discomfort. However, taking into account the above, the Court finds that the Appellant has either fully recovered within this period of 15 days or has not recovered, but clearly due to his own actions and omissions.</p>

General Damages €2.000

Action Number	2668/2016
Date of Judgement	31.07.2019
Parties	Panagi v. Paschali
Court	District Court of Limassol (L. Paschalidis, D.J.)
Facts	<p>The Claimant, as a result of a traffic accident, suffered a whiplash neck sprain as well as a slight lumbar fracture. It was found that he sustained straightening of the cervical spine. He received 20 days of sick leave. During his treatment, the Claimant wore a collar for at least 20 days and underwent 15 physiotherapy treatments. Three months after the accident, there was a significant improvement in his injuries, with the lumbar injury fully restored and the neck injury not showing any functional residue. Until the decision was issued, he continued to feel discomfort from time to time during the change of weather or after fatigue.</p>

General Damages €3.000 (adjudicated as a fast-track case following the agreement of the parties)

27

Action Number	2810/2012
Date of Judgement	08.08.2019
Parties	Charalampous v. Metev and others
Court	District Court of Famagusta (M. Papathanasiou, D.J)
Facts	<p>The Claimant, as a result of a traffic accident, suffered a fracture of the right femur and underwent osteosynthesis surgery with a plate and screws. His postoperative course was smooth and without complications. The Claimant, 7 days after the accident began to move with crutches and without putting weight on right lower limb. He remained in hospitalization for 10 days and with his discharge, instructions were given not to put weight on the right lower limb. Due to the fact that the Claimant did not heed the instructions of the doctors as to not putting weight on the right lower limb, 2 months after the accident it was found that he suffered breakage of the osteosynthesis material and a fracture anew in the same region of the previous fracture of the right femur. The Court decided to adjudicate damages only for the initial fracture. The Claimant may work without any issue, as well as exercise regularly. It was noted, however, that extended exercise with the placement of weight on the lower limb may possibly cause disturbances in the form of tolerable pain, which will recover with simple rest. The same applies for weather changes and sudden drops in temperature.</p>
General Damages	€15.000

28

Action Number 2810/2012

Date of Judgement 08.08.2019

Parties Ch, a minor from Limassol via Ch. And N v. Th. And others

Court District Court of Limassol (Chr. Hadjigeorgiou, D.J.)

Facts The Claimant, aged 11, as a result of a traffic collision, sustained external fractures, comminuted fracture of the supraorbital region, periocular swelling and abrasions (right forearm abrasions, right hemithorax, right lateral abdominal wall, right anterior upper pelvic thorn, right thigh region, left extremity, knees on both sides). He was transferred by ambulance to the Limassol General Hospital where he was hospitalized for 2 nights. He was given intravenous fluids and oral antibiotics. There were abrasions and swelling of the dorsal surface of the left index finger, from which a small stone was removed with local anaesthesia. The injuries and abrasions of the Claimant healed fully within a month.

General Damages €1.500

29

Action Number	6581/2012
Date of Judgement	29.08.2019
Parties	Michail v. Attorney General of the Republic of Cyprus
Court	District Court of Nicosia (Efthimiou – Andreou, D.J.)
Facts	<p>The Claimant, 59 years old, after an accident at the General Hospital of Nicosia, due to a slippery floor, suffered an intra-articular fracture of the external tibial tubercle, forcing him to remain out of work for a period of 4 months. The fracture was treated conservatively with the use of a specially adjustable splint but left the Claimant confined first to a wheelchair and then to the use of an armpit crutch and later to the use of a cane, for which he was forced to undergo treatment - physiotherapy with the recommendation of his own treating physician. The fracture of the Claimant was found to have completely healed without leaving any pathological or neurological remnants on the Claimant, but there was a visible risk of developing osteoarthritis in the future.</p>
General Damages	€18.000 (the action was dismissed – liability was not proven)

Action Number 3000/2011

Date of Judgement 30.09.2019

Parties Wahi v. Marios Phitides Bakery Ltd

Court District Court of Limassol (M. Agiomamiti, D.J.)

Facts The Claimant, aged 51, a baker at the Claimant's factory, as a result of a work-related accident, suffered a left forearm injury, Volkmann's syndrome with hematoma on the inner and outer surface of the forearm. He was directly submitted to surgery on the front surface of the left forearm, opening of the compartments, removal of the hematoma and closure of the wound with a skin graft to avoid stretching of the skin. The operation was performed under local anaesthesia. He remained bedridden for 7 days and after discharge he was monitored for a month, and then followed a physiotherapy program. He received sick leave for a period of 4 months. During the issuance of the decision, it was found that the operation of the left limb was complete and did not present any pathological problems. As a result of his injury, the Claimant has a scar 10 centimetres long on the upper half of the dorsal surface of his left forearm and a deformed abnormal scar measuring about 3x10 cm.

General Damages €15.000

31

Action Number 8214/2012

Date of Judgement 02.10.2019

Parties Stavrou v. Skapouli

Court District Court of Nicosia (M. Christodoulou, D.J.)

Facts The Claimant, aged 60, a clerk in a company, as a result of a traffic collision, suffered a second-degree neck fracture. Due to her injury, she was on sick leave for about 1 month, however, the Claimant was absent from work for a period of three and a half months. The usual period for the reversal of the symptoms of the fracture suffered by the Claimant is 6 to 8 weeks, with a maximum period of three months. The Claimant bought medication 3 times and underwent 15 physiotherapy sessions. Her position that she used a neck collar was dismissed by the Court because it was not supported by evidence. The pain and suffering of the Claimant lasted 3 months.

General Damages €3.500

Action Number 4055/2012
Date of Judgement 04.10.2019
Parties Christodoulou v. Orfanidi and others
Court District Court of Nicosia (G. Stilianidis, S.D.J)

Facts The Claimant, 24, who worked for a contractor company, as a result of a traffic collision, suffered a comminuted displaced fracture of the upper and medium tertiles of the right femur, comminuted fracture of the lower end of the right tibia, intra-articular injury of the right knee with partial rupture of the anterior cruciate. He underwent surgery for reattachment and internal osteosynthesis of the right femur and open repositioning, cleaning and fixing of the fracture of the lower extremity of the right tibia together with suturing of the ligaments, tibialis and deltoid, due to instability and with external osteosynthesis. He remained in the hospital for about 15 days and was discharged with crutches. Osteosynthesis materials were removed 2 months after the accident. To remove the materials, he remained in the hospital for another 4 days. A physiotherapy program followed. The Claimant also had a tooth loss. He remained out of work for about a year and a half, on sick leave. Muscle weakness in the right lower extremity, thickening of the ankle and a degree of stiffness were noted as permanent remnants. The Claimant was forced to limit his daily activities and avoid sports or similar functions altogether. In the future, he will need to undergo arthroplasty, arthrodesis and osteosynthesis removal. In addition to the general compensation, the Court awarded €28,500 for the loss of future earnings of the Claimant for the months he will not be able to work due to future operations to which he will need to be submitted.

General Damages €110.000

Action Number	1484/2018
Date of Judgement	24.10.2019
Parties	Feggara v. Stavrou
Court	District Court of Nicosia (N.A.P. Georgiadi. D.J.)
Facts	<p>The Claimant, an accountant, 24 years old, without health issues, as a result of a traffic collision, suffered a neck injury, traumatic brain injury and post-traumatic amnesia, had friction and abrasion marks in different parts of her body and blunt-force trauma to her left eyelid which was sutured the same day. Radiological examinations during her stay at the hospital revealed fractures in the left zygomatic bone, sinus and eye socket and she was admitted to the surgical clinic to treat the fractures. At the hospital, she underwent general anaesthesia, while an open fracture of the zygomatic bone and an osteosynthesis plate was placed for immobilization. She was taking painkillers for about 2 months, mainly for persistent neck pain and headache. She returned to work 2 months after the accident but had memory problems and fatigue for the first 4-5 months after her return. Scarring in the left eyebrow and left forearm due to burns were considered permanent residues. Due to the nature of the operation in the future it will be necessary to remove the osteosynthesis materials from the cheekbone and surgery will be needed again.</p>
General Damages	€30.000 (demonstration of case due to non filing of an appearance note)

Action Number	1565/2019
Date of Judgement	04.11.2019
Parties	Themistokleous v. Pancyprian Insurance Company
Court	District Court of Nicosia (N.A.P. Georgiadi, D.J.)
Facts	<p>The Claimant, 42 years old, without health problems as a result of the car accident, was transferred to the Accidents & Emergency Department of the General Hospital of Nicosia. He underwent a radiological examination of the cervical and lumbar spine, which showed neck straightening and was diagnosed with neck and lumbar injury. It was recommended that he wear a neck collar and was instructed to be further monitored by doctors in Nicosia. As a result of his injuries, he was forced to wear a neck collar, while for about two months he suffered from dizziness and discomfort. He was given a total of 47 days' leave.</p>

General Damages €2.500 (demonstration of case due to non filing of an appearance note)

Action Number	3480/2009
Date of Judgement	06.11.2019
Parties	Kyriakou v. Republic of Cyprus via the Attorney General of the Republic
Court	District Court of Nicosia (Ch. B. Charalambous, S.D.J)
Facts	<p>The Claimant, a Police officer at the Aliens and Immigration Service of the Cyprus Police, as a result of a fall from the stairs of a construction site during his work, suffered a fracture of the base of the 4th and 5th metacarpals of the left hand, head injury, soft tissue neck injury and bruises on various parts of his body. For the fractures, treatment was conservative with immobilization in a cast and he was out of work for 11 weeks. Until the issuance of the decision, he did not have a full flexion of fingers and suffered from fatigue while using his left hand, while temperature changes aggravated the symptoms of discomfort. These are permanent remnants, which inevitably affect to some extent the personal and professional performance of the Claimant and in general the activities that require the use of the hand. In addition to the amount of general compensation, the Court would have also awarded € 15,000 for loss of income ability.</p>
General Damages	€15.000 (the action was dismissed – liability was not proven)

Action Number	5800/2011
Date of Judgement	08.11.2019
Parties	Evripidou Kiriakou also known as Karaviola v. Giannakou
Court	District Court of Nicosia (L. Paschalidis, D.J.)
Facts	<p>The Claimant, aged 44, unemployed, as a result of a traffic accident, suffered a fracture of the lower quartile of the right tibia with comminution and shortening, a fracture of the middle of the right arm with a bone fragment on the inner surface of the median of the humerus and a fracture of a scaphoid bone of the right wrist and bruises on various parts of her body. She also presented otorrhea of the left ear which after some days fully resolved. It was deemed necessary for her to be admitted to the intensive care unit and immediately to the operating room for temporary stabilization of the fractures with plaster splints. She then underwent a number of surgical procedures for stabilization and osteosynthesis in relation to the fractures of the arm and tibia, during which the placement of surgical plates and screws was required. Treatment of scaphoid fracture of the wrist was conservative. She remained in the hospital for 18 days, during which time she was almost immobilized and almost exclusively dependent on third parties for her basic daily needs. The dependence continued for a few months after she was discharged. Until 6 months after the accident, she used aids so that she could walk. For a period of more than 6 months after the accident, the Claimant underwent physiotherapy and strengthening exercises. Three (3) obvious surgical scars remained, 18cm, 13cm. and 2cm. A decrease in right ankle flexion and a degree of stiffness of the full elevation of the right upper extremity above the head were noted as further permanent remnants. She is not expected to be able to fully recover from her injuries and the remnants thereof.</p>
General Damages	€60.000

37

Action Number	868/2019
Date of Judgement	14.11.2019
Parties	Bushe v. Sports Directcom Cyprus Ltd
Court	District Court of Pafos (Chr. Hadjigeorgiou, D.J.)
Facts	While the Claimant was a customer at the store of the Defendant, she stumbled on a broken tile outside the store and fell to the ground, resulting in a neck fracture, degenerative changes, L6 root irritation, hemorrhages and pain in the dorsal surface of the forearm, partial weakness of the dorsal thumb, headaches and dizziness, neck pain and facial injuries. Two months after the accident, she was examined again by a private doctor and showed severe neck symptoms, for which she was given intravenous medication and underwent a radiological examination. During her treatment, she wore a collar for at least 20 days, underwent 15 physiotherapy treatments, and until the decision was issued, she still felt discomfort during weather changes or after fatigue.

General Damages €4.000 (demonstration of case due to non filing of an appearance note)

38

Action Number	1372/2019
Date of Judgement	22.11.2019
Parties	M.P. minor, through her parents, and closest relatives, friends and caregivers, TH.P. and E.I. v. Pancyprian Public Employees Trade Union (PASYDY)
Court	District Court of Nicosia (G. Petasi-Korfioti, D.J)
Facts	The Claimant, a kindergarten student, shut her finger in a door of the kindergarten and suffered a fracture in the final phalanx of her left thumb with partial amputation. The Claimant lost the nail of her left thumb. She underwent general anaesthesia surgery as there was a risk of deformation in the future of the nail and the skin hanging around the nail had to be sutured. The nail of the Claimant took eight months to recover. Until then, the Claimant was anxious, waking up at night and unable to hold objects with ease, which caused her discomfort and irritation and negatively affected her mood. The pain and suffering suffered by the Claimant lasted more than 6 months.

General Damages €3.000 (demonstration of case due to non filing of an appearance note)

Action Number	1014/2012
Date of Judgement	02.12.2019
Parties	Filis v. Spanou
Court	District Court of Nicosia (G. Kithreotou-Theodorou, D.J.)
Facts	<p>The Claimant, aged 35, as a result of a traffic accident, suffered a neck fracture and a concussion. His accident caused headaches, neck pain, dizziness, pain, instability and stiffness in neck movement. Furthermore, the Claimant, as a result of the accident, sustained in a small intervertebral disc prolapse at the L6-L7 level. However, the Court noted that osteoarthritis lesions at the L5-L6 level with posterior prolapse of the intervertebral disc, which significantly compresses the spinal sac, were not associated with the accident but were pre-existing. Furthermore, the Court noted that the aforementioned neck injury of the Claimant at the level of A6-A7 has undoubtedly aggravated and aggravated the condition of the Claimant since the neck fracture was added to the pre-existing osteoarthritic lesions. In addition, the Court took into account that while the Claimant was receiving medication, a neck collar was used, he underwent 28 physiotherapy treatments and he remained out of work from 31.08.2009 until 23.10.2009, while even later, during his medical visits, the Claimant complained of headaches.</p>
General Damages	€5.000

Action Number	6535/2013
Date of Judgement	23.12.2019
Parties	Panagidou v. Augousti
Court	District Court of Nicosia District Court (L. Paschalidis, D.J.)
Facts	<p>The Claimant, as a result of a car accident, suffered a neck fracture, for which it was recommended that she use a neck collar and receive a number of physiotherapy treatments. The suffering she sustained as a result of her injuries affected the uninterrupted and continuous attendance of her classes, as a student at the time. The Claimant's claim that, as a result of her injuries, she still suffers from «pain, insomnia, symptoms of depression and weakness», was dismissed as she was not substantiated by any medical or scientific evidence. The Court noted that a very minor injury, as evidenced by the fact that the latest medical evidence was issued a few days after the accident but also the simple and concise treatment recommended (collar and physiotherapy), by logic, leaves no permanent residue 6 years later. Further, the Court noted that even if the Defendant is currently facing some health problems, she has not provided any evidence linking these problems to her injuries, either as remnants or otherwise.</p>
General Damages	€1.500 (the action was dismissed – liability was not proven)

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