



HARRIS  KYRIAKIDES

Compensation in accident cases in Cyprus in 2016

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Introduction

We operate one of the largest departments of insurance law in Cyprus and we represent some of the largest insurance companies. We also represent claimants in insurance disputes of all kinds, with special emphasis on traffic and industrial accidents, on professional liability lawsuits and claims for damage of assets. Our experience, our expertise and domestic knowledge as well as our familiarity with modern technology, allow us to meet the challenges of the legal insurance disputes of the present days. We aim in identifying exaggerated claims early and provide legal advice at a primary stage. Moreover, we always seek to achieve an effective settlement from the very start of the dispute. This aim has resulted in successful conversations with the opposing counsel so as to ensure a prompt resolution of the dispute. If the actions are led to the Court, our litigation department provides legal representation with which they safeguard the interests of our customers and aim in aiding the Court to conclude in a fair resolution regarding the issues of the litigious disputes. We prepare a detailed evaluation of the cases by presenting the different scenarios and their possibilities. We also offer accurate case reports to foreign reinsurance companies. Additionally, we provide legal services to insurance disputes which extend to more than one jurisdiction.



Review 2016

In the following pages follows a summary of all rulings issued by the Cypriot courts in 2016, in which compensations were awarded for damages resulting from any form of accident. The purpose of this report is to give an indication of the amount of compensation given for various personal injuries. However, as the courts have repeatedly stressed, previous decisions regarding compensation do not necessarily constitute a binding precedent. In particular, the courts stress that there is no fixed measure for the assessment of human pain. Court judgments in other decisions simply provide general guidance because it is not possible for two persons, who were injured under completely different circumstances, to suffer similar bodily harm, pain and suffering. However, there is either some relevance to the wounds, or proportion in relation to the extent, nature or consequences of injuries thus it is right and appropriate for the courts to draw up guidance and take into account the amount of compensation which was awarded in other cases. Consequently, although the courts reach the level of the damages they will award in the light of case law, they mainly consider the facts and circumstances of the case under trial.



Court Action No.	Civil Appeal No. 363/2011
Date of Decision	04.07.2016
Litigants	Androulla Prokopiou Antoniou v. Demetris Kyriakou
Court	Supreme Court

Facts

The appellant suffered an overwhelming quadruple fracture of the right brachial bone, which caused her pain and severe discomfort. She underwent a surgery for the placement of screw and plate. She remained incapacitated for almost 4 months and underwent physiotherapy. There was a possibility that the head of the right arm might die and will require a right shoulder arthroplasty. The movements of the hand were very limited, with almost no outward rotation, she could perform lifting up to 70% of her arm. The First Instance Court ruled that on full liability, an amount of €80,000 for only general damages, including € 20,000 for loss of ability to work and the need for a domestic assistant, is a fair and reasonable compensation. This amount was validated on appeal.

General Compensation	€60.000
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Court Action No.	Civil Appeal No. 183/2011
Date of Decision	19.07.2016
Litigants	Thekla Constantinou v. Stella Trivizadaki
Court	Supreme Court

Facts

The Appellant suffered an injury on the left tibia, forehead and teeth. She was transported by the ambulance to Apolloneio Private Hospital where she underwent examination and radiological examination and diagnosed with a left leg tibial fracture, a stomach trauma and a tooth injury. Under general anesthesia, there was left lumbar intramedullary ligament and the tibia was reversed. She was hospitalized for 2 days and obtained a forearm trauma. She underwent frequent radiological treatment while walking with crutches for 3 months. Furthermore, she had undergone anticoagulant treatment for 1 month and received oral anesthesia. Full fracture failure was achieved 3 months after the surgery. She suffered edema in the fracture area after fatigue and recurrent pain in the ankle and tibia. Her forehead wounds fully healed. Osteosynthesis materials were removed 18 months after surgery with general anesthesia.

General Compensation	€25.000
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Court Action No.	Civil Appeal No. 166/2011
Date of Decision	26.10.2016
Litigants	Andreas Shiakolas a.o. v. Elia Michalopoulou
Court	Supreme Court

Facts

The Appellee suffered abrasions and bruises in the left abdominal wall, the left shoulder and the left arm. The trauma in the parietal soil (in which seams were made), the linear skull fracture, otterrage and post-traumatic amnesia, mild nerve palsies, edema, soft hematoma, hematoma of the left temple and a lesion of the left ear resulted in partial hearing loss. Her health condition improved significantly, but remnants such as the partial hearing loss in the left ear, weakened abdominal and parietal signs, and head swelling remained. The remains of her injury prevented her from having fun at leisure centers with loud music as she used to do before the accident, and prevented her from exercising regularly and vigorously as she also used to do before the accident. Furthermore, she had to change the subject of her studies. Instead of the Department of Public Administration and Business Administration, which she was studying at the time of the accident, she chose to study in the Department of Pedagogical Pre-school Education, which is less demanding. The Court of First Instance considered that the amount of € 30,000 would be fair and reasonable compensation. This amount was validated on appeal.

General compensation	€30.000
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Court Action No.	7502/08
Date of Decision	15.02.2016
Litigants	Maria Christina Chiopourian v. Neophytos Neophytou
Court	District Court of Nicosia

Facts

The Claimant's assertion was based on alleged medical negligence in the course of surgery performed by the Defendant who was a neurosurgeon. Specifically, the Claimant at the age of 35 undergone cauda equina syndrome. In addition to suffering from hospitalization, after surgery she was subjected to a series of magnetic tomography and other specialized examinations. In addition, she had to go to a special medical center abroad to monitor her condition. She underwent many years of physiotherapy and hydrotherapy that remains ongoing. Permanent discomfort was also caused by the reduced power of her left leg, which led to difficulty walking and frequent cramps. Much more serious were the permanent disturbances in urination and defecation accompanied by incontinence, which drastically degraded the quality of life for the Claimant. The damages sustained were not only an inconvenience but they also negatively impacted her social life. Moreover, her psychological situation did not allow her to continue working. Also due to anesthesia in the perinatal area, her sexuality was reduced to almost nonexistent. The Court concluded that all of the above problems in a young woman justified the award of a substantial amount of general compensation on the basis of restitution in integrum. These indemnities included the inconvenience of future examinations and treatments necessary to monitor the course of her health.

General compensation	€150.000
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Court Action No.	2284/10
Date of Decision	29.08.2016
Litigants	Panayiota Lambrou Christodoulou v. Panormitis Mouzourakis
Court	District Court of Paphos

Facts

The Claimant was involved in an accident and was transferred to Paphos General Hospital with head, chest and kidney aches, dizziness, numbness and nausea. Clinical examinations showed intense pain in the right elbow and an inability to use and move the right elbow. She also exhibited edema in the right elbow, which was painful during palpation whilst instability tests showed instability in walking. She showed cervical stiffness and felt pain in the palpation of the cervical spine and neck muscles. Radiological testing has demonstrated the elasticity of the cervical spine. She also suffered from headaches and dizziness. Moreover, she showed intense pain in the chest and especially in the sternum. There was a thoracic fracture as well as a slight craniocerebral lesion. The Claimant had a good response to the treatment she had undergone. The neck motion was normalized and severe pain subsided. Also, swelling in the right elbow was eliminated, and the bending, extension, and swing movements of the right elbow returned to normal without any permanent damage.

General compensation	€8.000
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Court Action No. Joined Actions No.911/2010 and 2865/2010

Date of Decision 12.12.2016

Litigants Giorgos Koutalianos a.o. v. Andreas Chadjigeorgiou

Court District Court of Limassol

Facts The Defendant of the disputed accident was injured and transported by ambulance to the General Hospital of Limassol. He was complaining about his left ventricular and abdominal pain. During clinical examination they discovered a right eyebrow abrasion, an abrasion from the chest belt and abdomen, and an abrasion in the dorsal upper right-handed surface. A radiological test was made for the 8th and 6th left fractures without displacement as well as 10th and 9th left-handed displacement without pneumothorax or pleural effusions. The defendant undergone for further monitoring and treatment. His post-traumatic course was satisfactory and a conservative treatment with analgesic medication was followed. During his hospitalization he was twice in physiotherapy. Within 3 months the defendant was healed.

*Although the Court rejected the Defendant's counterclaim, he proceeded to comment on the damages he would be entitled to if he succeeded.

General compensation €5.000

Court Action No. 8208/2007

Date of Decision 02.02.2016

Litigants Anna Kyriakou v. Kyriakos Hadjimichael v. Attorney General of the Republic of Cyprus a.o.

Court District Court of Nicosia

Facts

As a consequence of an accident, the Claimant was injured and transferred to the General Hospital of Nicosia. The most serious of the injuries she suffered was a lesion of the left arm that consisted of a cranial left brachial head fracture, a mild compressive fracture of the anterior part of the body of the fourth lumbar vertebra O4 stable without dislocation, without affecting the spinal cord and without neurological deficit. Other lighter injuries were craniocerebral injury, cerebral edema, large trauma to the legs, and lower lip and minor injuries on the hemorrhagic. She was hospitalized for 14 days and a few days after she was discharged. She addressed a private physician for the problems (faced by the fracture) who had done a surgery on her shoulder, which was successful. Nearly a year later, she undergone a double spine operation for a lumbar vertebral fracture, resulting in complications due to surgery, and in particular the lower sensation (or dysaesthesia) of the lower left nerve, which aggravated her condition and left a permanent lesion. As a result, the Claimant faced difficulties in moving (using the stairs, lifting weights, carrying out heavy housework, unable to sit or stand for a long time, etc.)

General compensation €135.000

Court Action No. 4948/2009

Date of Decision 04.10.2016

Litigants Michalis Saredes minor, on behalf of his mother and exercising her parental responsibility, Athena Saredou v. Anthoulis Stylianedes

Court District Court of Limassol

Facts

The Claimant was specifically subjected to a hypertrophic fracture of the left femur, which involved the pineal gland. The fracture was displaced. He underwent surgery and more specifically, closed reassembly of the fracture and a two-screw fixation and then a plaster bandage was applied. He was hospitalized for 4 days. After the fracture was discovered, he undergone monitoring and physiotherapy. His injury was painful and generally suffered a lot. For a period of 4 months, of which approximately during the 2 months he was mainly in bed, the claimant was being assisted by his mother for his personal needs as well as his movements. At the time of hearing the case, a small muscle atrophy of the left thigh, namely 1.5 centimeter, was observed, which, according to the testimony, will be fully restored in the future. The two small scars would remain permanently, and there was a reduced left knee bending by 15 degrees, which in the future would improve. If a remainder of the 15 degrees is left, the only move that will affect the Claimant is the deep seat. In general, he would not face any problems in the future.

General compensation €20.000

Court Action No. 4/2010

Date of Decision 28.03.2016

Litigants Raphael Neophytou, minor of his parents and closest relatives and friends and persons who exercise parental responsibility Pantelis Neophytou v. Evoullas Theodoulou Neophytou v. Chrisoula Theodorou a.o.

Court District Court of Limassol

Facts The Claimant, (8 years old at that time) was involved in an accident. During his examination at the General Hospital of Limassol, a saddle, presenting otitis from the left ear, abrasions on the left elbow, and hematoma in the left parietal head of the head were found. His initial level of consciousness on the Glasgow scale was 10/15. He was cannulated and subjected to a CT scan, which showed a traumatic subarachnoid haemorrhage as well as fracture of the left temporal and lobular of the skull, as well as a turbidity of the left ear middle and mastoid cells. As a result of the damage, which was the result of the injuries sustained by the accident, he showed emotional immaturity in relation to his age, in particular his mood was reduced and his behavior changed. The Court, in the absence of testimony, could not find a finding as to whether any remnants still remained.

* Although the Court dismissed the claim, it went on to comment on the damages it would pay if the lawsuit was successful.

General compensation €40.000

Court Action No. 2846/2009

Date of Decision 13.05.2016

Litigants Panagiotis Machlouzarides v, Cyprus Ports Authorities

Court District Court of Limassol

Facts

The Claimant suffered a deep contusing of the right tibia of midpoint, a spinal cord contusion, a thigh and pelvic lesion and swelling and pain in the right knee without permanent remnants. Due to the personal injuries caused by the accident, he was given sick leave for a period of about two (2) months.

General compensation €8.000

Court Action No.	5883/2013
Date of Decision	13.04.2016
Litigants	Constantinos Stavrou v. Attorney General of the Republic of Cyprus
Court	District Court of Nicosia

Facts

The Claimant suffered a fracture through the tibial bone of his right leg, (but there was no dislocation) and a meniscal rupture. The treatment he underwent involved arthroscopy and mesenchymosis, a placement on the rotary cylindrical plaster, surgery, transdermal bolus insertion into the inner tibial tuber to repair the lesion, and stent placement at the right lower limb, and physiotherapy for a period of 20 hours. In the last examination and objective assessment of the later condition of the Claimant, it appeared that the fracture had stabilized and only “atrophy with muscle weakness of the right lower right muscles relative to the left lower limb” was observed while “in the area of the screw during moving, pain is noticed ”with the possibility of osteoarthritis. His professional career has been affected. At the time the accident occurred, the Claimant was a Sergeant Major at the National Guard and served in the Special Forces Department where he provided services for the Commander Unit. After the accident, he had to abstain from his job for 4 months and after he returned to it, he was transferred to another unit to perform office duties because of the injuries he had suffered.

General compensation	€40.000
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Court Action No.	376/2009
Date of Decision	31.08.2016
Litigants	Kiproulla Charalambous v. Savvas Chamalis
Court	District Court of Limassol

Facts

The Claimant after her injury from a car accident (in 2007) was transferred to the General Hospital of Limassol where she was found to have suffered a compressive fracture of the 1st lumbar vertebra with cuneiform deformation and a reduction in the height of the vertebral body. The fracture was treated conservatively. Despite medication and physiotherapy, her condition did not improve. She showed intense pain and stiffness of the waist, sensitivity to palpation and sciatica. Due to the persistence of lumboschiagiosis, she undergone an MRI and an electromyography examination in 2013. Magnetic resonance imaging showed that the Claimant had a narrowing of the spinal tube in the last spine, between the 4th and 5th lumbar vertebra and the 1st sacral vertebra. The electromyogram showed the existence of radiculopathy at the 4th and 5th lumbar vertebra levels. During her last examination in or around 2015, symptoms of stiffness in the lumbar spine and sensitivity to palpation have been observed. The muscular strength of the limbs were normal. Tendon reflexes were also normal. Today she is able to walk on her own, self-handle and perform a lot of social tasks, but she will have permanent limitations in her life, such as avoiding manual labor of all kinds, weight lifting, prolonged standing or staying in seated position and travel. She will also be affected by weather changes and in the future it is possible that she might develop a kyphosis.

General compensation	€30.000
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Court Action No.	2706/2015
Date of Decision	23.12.2016
Litigants	Panagiota Georgiou v. Eleni Fragkeskou
Court	District Court of Larnaca

Facts

The Claimant suffered a neck and shoulder strain and strain of the cervical and lumbar vertebral column. These injuries were accompanied by sore and lumbar pain as well as a contraction of the cervical muscles. Furthermore, she had a herniated disk on the intervertebral disc O4-C5 by pressure of the neural root C5, which affected her left leg. She received strong medication, carried a cervical collar for months and underwent physiotherapy. Today she continues to do embrocation massages on her own and wears a collar. The treatment she underwent for the first three months improved her condition but did not completely cure her. Presence of relapses and aggravation of her health is apparent after sudden changes, climatic changes, prolonged sitting or upright stance, prolonged walk and after intense and laborious activity and also during driving. She has permanent dyskinesia and daily pain in the abdomen, which extends to her left lower extremity and causes numbness and general weakness.

General compensation	€18.000
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Court Action No.	6514/09
Date of Decision	30.09.2016
Litigants	Panagiotis Therapi v. Παναγιώτης Θεραπή v. the Republic of Cyprus for the Attorney General of the Republic of Cyprus
Court	District Court of Nicosia

Facts

The Claimant suffered a 90% loss of vision in his right eye because of the negligence and/or breach of duty of the Defendant in the course of his (detachment) exercise during his military duties. He was transferred to the General Hospital of Nicosia where he was surgically treated and was kept in bed for 10 days. Retinal detachment was also found and resulted in new retinal surgery. Afterwards, he had a third operation to remove silicone oils from the eye to mount a lens. He returned to his job, but his duties were reduced due to the reduction on the 10% of his visibility in the right eye thus he no longer drives a truck, does not behave and act as before, and at the same time his psychological state has reached the limits of depression.

General compensation	€60.000
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Court Action No.	3628/2009
Date of Decision	31.08.2016
Litigants	Costas Michael v. Mattheos Ioannou Motor Agency Limited
Court	District Court of Limassol

Facts

The Claimant suffered a total cut of the flexor, radial and ulnar artery, the middle radius and ulnar nerve of the right forearm, approximately 10 cm from the right penile cartilage. He suffered severe bleeding since the incision of the radial and ulnar arteries. The wound was treated surgically with two interventions: intensive kinesitherapy and physiotherapy as well as electromigration of the muscles followed. During the later clinical examination he showed intense atrophy of the forearm muscle of his right hand. It also presented a partial ulceration of the ulna and radial nerve from the area of the wrist to the end of the fingers. These injuries and disability are permanent. The right hand can not function smoothly in terms of object catching and gentle hand movements. The above made the Claimant unable to perform work which required the use and dexterity of the right hand.

General compensation	€45.000
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Court Action No.	2050/2013
Date of Decision	19.02.2016
Litigants	Nicos Fouartas v. Aleksios Karipides
Court	District Court of Paphos

Facts

As a result of an accident, the Claimant suffered a head injury, cerebral concussion, an injury-refraction of the spinal cervical of the spinal cord , a lumbar spine injury and a right shoulder injury. His wounds were judged by the Court to be mild and normal for such an injury, and in addition there was complete recovery. He needed treatment for more than six weeks and was absent from work for a period of 2 weeks and he also wore a collar.

General compensation	€4.000
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Court Action No.	2452/2010
Date of Decision	19.01.2016
Litigants	Christodoulos Stylianou v. Attorney General of the Republic of Cyprus
Court	District Court of Larnaca

Facts The Claimant, as a consequence of an injury caused by weight lifting in the course of his military service, suffered an acute episode of osteoarthritis, resulting in an operation of the disc in the lumbar spine at the C5-l1 level. According to the testimony, after the operation, the Claimant exhibited symptoms thus the doctors suggested he undergone a second operation. However this was not done at the time of the case.

General compensation	€30.000
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Court Action No. 1425/2008

Date of Decision 28.06.2016

Litigants Niki Nicolaou v.Nikou Athanasiou

Court District Court of Limassol

Facts

As a consequence of a car accident in 2005, the Claimant suffered a brain convulsion with meta-transient syndrome, a neck collapse and a lorn of the lumbar bone with the possibility of a post-traumatic spinal cord and lumbar spine in the future. The neck injury was a type of whiplash injury and since then she has had severe symptoms of neck pain, headache and numbness. She was given anti-inflammatory and pain killers and was advised to wear a neck collar. She remained in bed in the hospital for three days, she was granted a sick leave of one month and underwent physiotherapy for about a month. When examined by a private neurologist, she was found to have slight horizontal nystagmus, positive Romberg, positive Underberger, difficulty in walking, slight psychomotor slowness, memory disturbances, weakness, limited and painful mobility of the spinal cervical spine (PMS) with pain and aesthetic (AE) at the upper left-hand edge, lumbar pain (OM), as well as the AMS with an extension of the two shoulder blades, muscular spasm in the cervical region and shoulders, as well as muscle spasm in the lumbar region, pain at the palpation of the OMS and painful and limited mobility. During her examination in August, there was a significant weakness of the left biceps muscle and a decreased sensation in the left A6 skin. In 2006 she was subjected to an AMPS magnetic resonance scan which showed a herniated disk at level A5/6 and A6 /7 and pressure on the A6 root. Her condition worsened when in July 2008 an anterior cervical discectomy was performed. A new MRI was performed in May 2008 which confirmed the continued pressure of the left A6 root from the A5 / 6 disc herniation and the narrowing of the A6 / 7 root. Her post-operative course was satisfactory and she returned to work in September 2008. The left upper limb strength had improved but she still had symptoms of tingling and numbness in the upper limbs at times. With the removal of the discs, the nerve roots that were pressed were depressed and two vertebrae were tied in one plane and a technical disc was placed in the other to maintain movement in the A5 / 6 plane. According to the Court, one of the causes of disc herniation is lash injury. Normal abrasions of the neck disks were asymptomatic. Symptoms began after her injury in 2005 and continued to worsen to undergo surgery in 2008. The Claimant, after the surgery, did not return to 100% of her pre-operative capabilities. The operation could not completely restore the spine after canceling one level, there was a restriction of neck movement and some weakness remained because the nerve was damaged. She would still have symptoms of weaknesses and numbness that were not expected to improve, she would have tingling as the weather changes, neck pain, and some weakness and fatigue left in her left hand, which would limit the time she could work.

General compensation €35.000

Court Action No.	341/2014
Date of Decision	08.07.2016
Litigants	Sergios Tatarides v. GUN DIRECT INSURANCE LTD
Court	District Court of Limassol

Facts

The plaintiff, as a result of a car accident, suffered a fracture of soft particles and a chest strain without the existence of any fracture and no permanent remnants. The Court said that the straightening of the neck is a radiological finding and not an injury, and when the muscular spasm subsides, it ceases to exist. However, there is a discomfort for the Claimant, a matter that is taken into consideration for the award of general damages. The Court concluded that the person's injury was not serious in view of the fact that the symptoms subsided with a one-month recovery period.

General compensation	€3.000
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Court Action No.	4057/2009
Date of Decision	16.09.2016
Litigants	Constantinos Oratiou v. Andreas Polykarpou
Court	District Court of Limassol

Facts

The Claimant underwent a cerebral concussion with concomitant metastasis syndrome, cervical sprain and lumbar sprain. After the accident he was transferred to the General Hospital of Limassol, where he was given a cervical collar and was released. That same night he felt sick and nauseous and went back to the General Hospital of Limassol where he felt sick again. He stayed in the hospital for two nights. He was given rest and was given a sick leave for about two weeks. A few days after the accident, he visited a private physician who recommended him with physiotherapy and was given a further sick leave for ten days. The Claimant wore a neck collar for a period of 5 weeks and made a total of 30 physiotherapy treatments. His headaches went on for 2-3 months, while his waist pains struck him for a few more months. There were no permanent remnants except neck pain at intervals when his head was stunted and when there was seafaring and when he was on the boat where he works.

General compensation	€6.000
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Court Action No.	1201/2016
Date of Decision	22.12.2016
Litigants	Panagiotis Paraskeva a.o. v. VKCA QYALITY LTD a.o.
Court	District Court of Larnaca

Facts

A decision was made in the present case following an ex-parte application for non-registration of an appearance. It should be noted that no testimony has been brought before the Court of Justice to show that the Claimants suffered any specific symptoms of their physical injuries. In the Statement of Claim there were reports of neck pain, headache, vertigo, dizziness, pain in the area of throbbing, instability and fatigue for both Claimants. These have not been proved, however, with testimony and thus not taken into account. Neither has it been testified that the Claimants had any remnants of neck and shoulder injury suffered during the accident in question or that they would face any future problems or limitations in their lives or in their normal activities.

General compensation	€2.500 to each Claimant
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Court Action No. 628/2011

Date of Decision 26.04.2016

Litigants Caia Ionut v. Evangelos Evangelou

Court District Court of Limassol

Facts

The Claimant suffered a spleen rupture without the need for splenectomy, and the symptoms in the abdomen area, which certainly fell into the spleen, subsided after three days. A fracture was also left on the left side, which was untransparent, that is, the continuity of the bone was not broken, so that the bone would actually injure the soft, muscular and general flesh of the Claimant.

General compensation €8.000

Court Action No.	5259/2009
Date of Decision	29.02.2016
Litigants	Giorgos Pimenides v. Antonis Ignatiou
Court	District Court of Limassol

Facts

The Claimant suffered a cerebral concussion, a lumbar injury a transverse cranial fracture of the cervical vertebra A7 and a craniocerebral injury. There was inpatient treatment, and the Claimant received further treatment and hospitalization at the Hospital but under his own responsibility he left the hospital after three days of hospitalization. Also, according to the findings of the Court, the injury suffered by the Claimant was more severe than contusion and sprains. He was given pain-relieving medication during the first booster stage, cervical collar, 19 physiotherapy sessions and about one month sick leave. Furthermore, the Claimant's trauma did not require neurosurgery, no permanent remnants, no post-transmissible syndrome, and no complication in the course of the Claimant's health. As to the inconveniences and pain of a similar type of trauma such as that suffered by the Claimant, the majority last for up to 6-8 months, with a gradual decline during that period

General compensation	€20.000
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Court Action No.	2259/2009
Date of Decision	26.05.20156
Litigants	Georgios Constantinou v. Athena Roussou
Court	District Court of Limassol

Facts

The Claimant suffered a fracture through the medial malleolus, an overwhelming fracture of the lateral malleolus, wounds which were surgically treated. He was immobilized for 6 weeks with plaster. Almost a year after the accident he was resubmitted to surgery to remove the fixation materials. Sick leave was granted for about three (3) weeks. He was instructed to walk with crutches and to load the limb and return to normal until two weeks after the second operation. No residual trauma has been shown to the Claimant.

*Although the Court dismissed the Claimant's claim, he proceeded to comment on the damages he would be entitled to if he succeeded.

General compensation	€25.000
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Court Action No.	4801/2011
Date of Decision	29.01.2016
Litigants	Evangelia Polykarpou v. Emilios Yiallourou
Court	District Court of Limassol

Facts

The Claimant as a consequence of a car accident was transferred to the General Hospital of Limassol where the classification of the 1st and 2nd lumbar vertebra was established. She was introduced to the orthopedic department where she participated in analgesic and anticoagulant treatment. During the neurological examination of the introduction of both mobility and sensation and the reflexes of the lower limbs, there were no signs. She remained in bed for 4-6 weeks, immobilized with a three-point special zone after completing her treatment. She was unable to travel for at least three months. About three weeks later, on her own initiative and responsibility, she moved to a private clinic to continue her treatment. In fact the Claimant suffered: compulsive, unstable fractures of the O1 and O2 lumbar vertebrae, a minimal pressure was observed on the meningo sac at the height of the intervertebral disc and the above epiphyseal plate at the height of O2, first degree spindle lymph node of the D1 and D2 vertebrae, From the height of the A5 to the vertebral Th2, cervical spinal cord injury with the AMS, urolithiasis and kyphosis at the fracture site. She also showed upper limb numbness, muscle pain, dizziness and persistent binocular headache, muscle weakness and sensory disorder at the two lower extremities, and weakness in the right lower limb. Right muscular weakness and sensory disturbances were observed in the right lower extremity. The Claimant also complained of pains in the cervical spine and the thoracic spine. The treatment the claimant was subjected to was her immobilization on the bed at the General Hospital of Limassol and then to Polyclinic "Ygeia" for one and a half months and also carried a urine catheter. She had a urinary tract infection and received pharmacotherapy. After leaving the Polyclinic, for 3 months, she wore a 3-point immobilization splint of the thoracic area. They were routinely subjected to CT scans and X-rays. Healing of the fractures occurred 4½ months after the accident. She obtained a permanent residual haemorrhage and refractory lower limb pain, right lower limb muscular weakness, kyphosis at the point of fractures as a spondyloletised product, cervical and lumbar pain during fatigue, fractures joined to wedge distortion, an inability to do manual labor , difficulties with doing housework, computer learning difficulties and driving long distances by car, occasional deterioration of the condition and thus occasionally needing medication or physiotherapy, there was a possibility of post-traumatic osteoarthritis development at the level of bone injury. Also, if there was further deterioration of the kyphosis there was a possibility for requiring fusion surgery in the future.

Court Action No.	856/2011
Date of Decision	31.08.2016
Litigants	Henry Benjamin v. Ioannis Michael
Court	District Court of Larnaca

Facts

The Claimant suffered a fracture in the middle of the right femur, which was treated surgically. The first treatment he underwent was completely successful, as there was no post-traumatic or post-operative complications in months after the accident he walked without pain and without help. He was then submitted by a private physician to arthroscopic arthrosis of the knee to improve bending, the success was only partial since knee bend improved by only 10 degrees but the second surgery normalized the liming and there was removal of the metal prostheses. The only remnant after the above interventions was the lack of knee bending by 10 degrees.

General compensation	€30.000
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Court Action No.	5535/2010
Date of Decision	24.03.2016
Litigants	Christos Tsatsalides v. TOFARCO LTD
Court	District Court of Nicosia

Facts

The Claimant suffered an incomplete rupture of the infraspinatus tendon and a complete rotator cuff on the right shoulder. This incomplete rupture of the infraspinatus tendon, did not appear in the MRI that took place almost eight months after the accident and therefore the possibility that it might had been cured was not excluded. The complete rotator cuff still existed. The Claimant has not undergone an operation for the suturing of the tendon or an acromioplasty to widen the space between the withers and the head of the shoulder, resulting in ongoing suffering. Moreover, he was incapable of performing manual labor due to inability of abduction and turning of the shoulder. The tendon could no longer be stapled effectively and therefore its condition was more irreversible. Some relief may have been felt if they underwent acupuncture.

General compensation	€35.000
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Court Action No.	7151/2008
Date of Decision	09.08.2016
Litigants	Eleni Kamilari-Karaniki v. Alkis Lapithi
Court	District Court of Nicosia

Facts

The claimant's claim was based on an alleged medical negligence in the endoscopic discectomy procedure during which a hematoma occurred, a complication which resulted in the complete paralysis of her legs. She was immediately subjected to second surgery by the Defendant because of the severity of her condition this was unsuccessful. Essentially during the intervention, the meningeous sac and the nerves within it were injured, resulting in the palsy of the legs. From the day of the endoscopic discectomy. She was unable to perform any work and needed 24-hour care, nursing, help and assistance, she was on a wheelchair and could walk a few steps with splints at her feet using a walker and was supervised by another person. She suffered from strong, intense pains in the lower limbs due to polyradicidic and arachnoiditis. Several times a day she needed to take potent painkillers and other pain-relieving drugs, which she will be taking in the future. The Claimant's situation is permanent and irreversible. Also, due to this fact, the depression that had preceded the accident, has worsened.

General compensation	€200.000
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Court Action No.	6073/2008
Date of Decision	29.01.2016
Litigants	Marios Tsaggarides v. Costas Christodoulides
Court	District Court of Nicosia

Facts

The Claimant was involved in an accident and was transferred to the General Hospital of Nicosia with multiple injuries where he was cannulated because he was in a comatose condition. There were lesions in the skull, chest (chest fracture) and limbs. From a neurosurgical point of view, the Claimant suffered from a serious craniocerebral injury, had an otorrhea on the right ear and the pupils of his eyes showed good reaction to the light. Visual imaging with CT showed that he suffered cerebral haemorrhage and post-traumatic subarachnoid haemorrhage. He remained intubated with mechanical support of breathing in the Intensive Care Unit for four days. After he was released of intubation, he was transferred to the neurosurgical clinic. The Claimant was disoriented and stimulant from time to time. He gradually showed improvement in the level of communication and left the hospital a month later to be transferred to a rehabilitation center where he received physiotherapy, ergotherapy, speech therapy, hydrotherapy, and psychological support. He received medication. Gradually his situation improved greatly. The main problems he faced were memory problems, a concentric hearing impairment on the right side, and difficulties in fine movements of the right hand due to a fracture of the index finger and a permanent loss of the index functionality.

General compensation	€130.000
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Court Action No.	3601/2011
Date of Decision	31.05.2016
Litigants	Andreas Christodoulou v. Attorney General of the Republic of Cyprus
Court	District Court of Larnaca

Facts

The Claimant, a young person aged 19 at the time, while carrying out his duty to the nation, suffered serious injuries. The most significant being the permanent partial loss of his hearing as well as tinnitus which affects his mood. The above problems are permanent. Furthermore, during the first 2-3 months of the event, he suffered some anxiety events. He should avoid being exposed to high noise and can not practice his favorite hobbies such as hunting and scuba diving, as well as avoiding noise-inducing occupations and leisure centers that emit loud music.

General compensation €80.000

Court Action No.	1426/2011
Date of Decision	29.02.2016
Litigants	Marius Constantin Apostol v. Georgios Georgiou
Court	District Court of Larnaca

Facts

The Claimant suffered a very serious injury to the right eye. He had a corneal traumatic injury from the keratoclear limit of 7th to the center of the cornea with a rupture of the iris clamp and an iris prolapse at the wound. He undergone surgery and under general anesthesia the treating physician collated the corneal injury, reversing the iris and anterior chamber with general anesthesia after having undergone his / her hypokalemia. During hospitalization he was diagnosed with a traumatic cataract, without lens replacement or pathological findings from the posterior half-motif in the right eye as a result of the injury suffered. The traumatic cataract evolved and vision decreased to 6/24 when a cataract surgery was set up. He suffered from pain, underwent two surgeries on the right eye, suffered greatly psychologically and physically, and due to his reduced eyesight of 60% his life was significantly affected. The sun and generally the intense light negatively affects the visibility from his right eye. He has problems watching television since the TV light bothers him and his eye is easily tired; he also has a difficulty in calculating distances.

General compensation	€80.000
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Court Action No.	2002/2011
Date of Decision	30.11.2016
Litigants	Gregoriou Michael v. Chr. Kapodistrias and Sons LTD
Court	District Court of Paphos

Facts

The Claimant suffered a non-intra-articular right lateral lumbar spine fracture of the first lumbar vertebra (O1) of lenticular granule size (the lightest form of fracture and no surgery required in the future) and light / mild ultraviolet neuritis (a neural damage to the ulnar nerve length of the left elbow, which does not require surgical intervention in the future). He was hospitalized for three nights at the General Hospital of Paphos, had pains and discomfort for 4-5 months, during which he received conservative treatment and used a waist belt while unable to do any work. He was subjected to physiotherapy. He would feel pain and numbness when performing manual work that requires flexing his left elbow, a problem that would remain permanent. Also, the transverse outgrowth fracture was completely healed after the aforementioned period, whereas in relation to ultraviolet neuritis (neuritis) there was an improvement of the ulnar nerve damage again within the above period. The Claimant's wounds exacerbated his pre-existing pathological discopathy on the intervertebral discs O3-O4 and O5-I1 by raising the problem, increasing the intensity of pain and discomfort and prolonging the period required to relax and relieve the Claimant.

General compensation	€15.000
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Court Action No.	2954/2008
Date of Decision	14.06.2016
Litigants	Andreas Stavrides v. Stalo (Chrystalla) Gelasi
Court	District Court of Nicosia

Facts

In the present case, the amount of €4,000 (under full responsibility) from the General Compensations, was reported and remained at issue for the bruising, burns, neck and wrist injuries suffered by the Claimant as these were related to the left leg rupture (an injury which, according to the findings of the Court, came from the accident at issue) and the necessity of rehabilitation intervention and the necessity of arthroplasty on the left knee. According to the findings of the Court, the instability of the left knee of the Claimant from the rupture of the posterior left crucifer was of such a degree that it required surgical intervention, and it would later postulate post-traumatic arthritis and would require a total knee arthroplasty.

General compensation	€35.000
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Court Action No. 499/2009

Date of Decision 25.05.2016

Litigants Khashayar Alipour a.o. v. Anna Ikdeh

Court District Court of Limassol

Facts

Claimant 1 suffered multiple burns almost all over his body, mostly on the right shoulder, elbow, and especially on the palmaris longus. This general condition was satisfactory. Examinations took place at the TEPA and was fully recovered as an outpatient of the Orthopedic Clinic. It should be noted that no other evidence has been provided by the Claimant 1 either regarding the severity of the reported burns or about any inconvenience after the injury.

General compensation €2.000

Court Action No.	47/2011
Date of Decision	29.09.2016
Litigants	Natacha Stavreva v. Christos Kourti
Court	District Court of Paphos

Facts

The applicant suffered very serious injuries. As a result, she was subjected to a removal and replacement operation of the three discs found to have been prolapsed. She suffered for a long time and still faced mild problems on the neck, without significant and serious remnants. Despite being deprived of the pleasures of life for a considerable period of time, however, future problems according to medical testimony concerned the restraining of her neck movements, the inability to perform heavy work and the pain of changing weather.

General compensation	€40.000
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Court Action No. 2772/2015

Date of Decision 14.01.2016

Litigants Chrystalla Christophi v. Ntinou Constantinou a.o.

Court District Court of Limassol

Facts

In the present case, the Court issued a decision at the Claimant's request for failing to file a notice of appearance by Defendant 1 (the action was withdrawn in respect of Defendant 2). The Claimant suffered fracture/sprain of the cervical spine, fracture/sprain of the lumbar spine and fracture/hematoma of the chest.

General compensation €3.000

Court Action No.	1151/2011
Date of Decision	31.10.2016
Litigants	Panagiotis Kladopoulou v. Socratous & Macrinicolas Electricals LTD, Action No. .,
Court	District Court of Paphos

Facts

The case concerns an accident at work. The Court accepted the medical conclusion that the Claimant suffered from chronic lumbar discopathy prior to the disputed incident, as a result of which he suffered and would continue to suffer from back pain with acute attacks in frequent periods. The appearance of pain sentiments in the past caused the Claimant scoliosis while the continuation of these troubles forced him from time to time to visit doctors. On the day of the incident, he visited a medical center where he was absent from work for two days. The Court accepted that as a consequence of the disputed incident, the Claimant felt unbearable pains and suffering, but there was no physical injury, functional disability or permanent remnants or aggravation of the pre-existing situation, but only a matter of pain and discomfort.

General compensation	€2.000
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Court Action No.	30/2010
Date of Decision	09.12.2016
Litigants	Eleni Fournari v. Polyclinic 'Ygeia' Public Company LTD
Court	District Court of Limassol

Facts

As a result of the Defendant and Third Party's failures to diagnose the infarct suffered by the applicant and the failure to give him the appropriate treatment, the Claimant suffered permanent heart disease which made her completely incapable of work. Cardiac function, as a consequence of the necrosis of a significant part of the myocardium and the associated lesions (residual mitral valve insufficiency, heart dilation, etc.), fell by 30-40%. Beyond the total inability to work due to a dysfunction of the heart, her body was distorted and lost any prospect of making a family or creating a relationship. She also has breathlessness after walking just 25 meters. As expected, her state of health also affected her psychologically. However, the Court also took into account the fact that the applicant had already suffered a severe acute myocardial infarction before visiting the Clinic of the Defendant. As well as the fact that the claimant had closed arteries without symptoms.

General compensation	€180.000
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Court Action No.	2959/09
Date of Decision	17.06.2016
Litigants	Ioannis A. Ioannou v. Attorney General of the Republic of Cyprus
Court	District Court of Nicosia

Facts

The Claimant suffered a distracting osteochondral fracture of the inner facet of the right ankle. His trauma was treated with a surgical procedure in which an osteoconstriction was made in the osteochondral segment of the inner facet ankle using a titanium screw. From the day of the accident until the date of the operation, the applicant's right foot was placed in a synthetic plaster, for 19 days. After surgery, the injured area was placed in a splint and a non-loading of the limb was recommended for 8 weeks. For this, the patient received instructions to walk with crutches and to only use the left lower limb. In addition, instructions for physiotherapy were given. Although it regained almost a full range of motion, he still felt intermittent pain and may require a new intervention due to traumatic osteoarthritis

* Although the Court dismissed the claim, it went on to comment on the damages it would pay if the lawsuit was successful

General compensation	€18.000
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Court Action No.	3296/2010
Date of Decision	03.05.2016
Litigants	Sarah Wimpress v. Community Council Mesa Choriou a.o.
Court	District Court of Paphos

Facts

The Claimant, as a consequence of an accident, suffered severe craniocerebral injury, occipital headache, a skull fracture and a traumatic intracerebral hemorrhage. After the accident, she was transferred to the hospital and was confused, disorientated in space and time with traumatic amnesia, showing nausea, tendency to vomit, dizziness, headaches, instability, limb disorder and dysmetria. She remained hospitalized for 21 days with intravenous isotonic sera , mild analgesics and anti-emetic drugs. The Court, in awarding general damages, took into account that the claimant suffered pain and suffering during her injury, which will not cease with time. It also took into account that on the claimant's neurological assessment (based on the Glasgow Scale) she was found to have been 15 to 15, with the applicant having consciousness, communicating and being fully geared to place and time. Furthermore, the Court has taken into account the possibility of permanent residuals such as imbalance, gait disturbance and ataxia with an inability to walk without the use of a club, as well as the difference in hearing from one ear to the other but also the reduced smell and taste diagnosed in the applicant's review two and a half years after the accident.

* Although the Court dismissed the claim, it went on to comment on the damages it would pay if the lawsuit was successful

General compensation	€50.000
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