ASSESSING THE QUANTUM OF DAMAGES IN PERSONAL INJURY CASES: TOWARDS CONTEMPORARY JUSTICE

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Abstract

The Common Law principle in the award of damages has been to restore the injured person to the position in which he would have been had no injury occurred. This is known as restitutio in integrum. The jurisprudence of damages in personal injuries has developed over time in an attempt to meet this principle. Whether the judges have applied the principle to meet real and not abstract justice in each case is the focus of this work. The work interrogates the concept of award of damages as compensation in personal injury cases with a focus on the approach of the judges in reaching a decision thereat. By means of an extensive case review, the work queries whether the damages awarded have been reasonable in light of Nigeria's astronomical inflation rate and the prevailing economic circumstances in the nation. The work posits that the hallowed principle of restitutio in integrum has not been reasonably satisfied in contemporary Nigerian jurisprudence when compared to other jurisdictions, especially the UK. The work recommends an amendment of the Employees Compensation Act to better recompense victims of workplace injuries and urges judges to state in their decisions, the multiplier applied for calculating quantum of damages and their reason for believing that such multiplier would be sufficient to meet the justice of the case.

Key Words: *Personal injuries, workplace/motor vehicle accident, restitutio in integrum, employees compensation act, quantum of damages, adequacy of compensations*

1. Introduction

The judge sits as an unbiased umpire in Nigeria handling personal injury cases before him. The judge in achieving the best justice of the case is aided by counsel who have settled pleadings and led evidence in support through parties' witnesses. The judge reaches a decision based on the evidence presented before him in consonance with applicable law. In arriving at what may be considered the justice of the case the judge must have to apply his knowledge and experience overtime. The application of his knowledge must not disturb the principles applicable to personal injury cases. This knowledge and experience most often is affected by what Lord Denning in the famous case of *Chandler v Crane, Christmas and Co*[1] described as 'timorous souls' and 'bold spirits'. The judges inclined to the first expression are usually held down by a very strong inertia not to disturb the existing posture or order irrespective of whether justice of the case may be met or not. The duty of the judge in adversarial system of justice administration has crystallized. The judge is bound by the tenets of justice to grant what is prayed of it and no more.[2] Our concern here is to probe and disturb the so–called existing order and established approach to ensure that real, substantial and live justice is handed down to litigants.

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[1] (1951) 2 B 164
[2] *Chukwuma v. Chukwuma* [1996] 1NWLR P 426 P 543

2. Personal injuries

Personal injury may arise in diverse ways. It could be physical, emotional or psychological or mental or a combination of two or more of these.[3] In some cases of personal injury the plaintiff/victim maybe awarded compensation. In some other cases he may be adjudged entitled to nothing. This may be as a result of suing the wrong person or was unable to prove his claim due to some technical grounds, or the defendant is found not to have caused the injury or not an agent thereof.[4] Personal injury has been defined thus;[5] 'In a negligent action, any harm caused to a person, such as a broken bone, a cut, or a bruise; bodily including any invasion of a personal right, including mental suffering and false imprisonment. For purposes of worker's compensation, any harm (including a worsened preexisting condition) that arises in the scope of employment.'

From the foregoing definition, a person can be held liable for personal injury though the injury has already existed but the defendant's action aggravated or worsened the injury. Personal injury can arise in diverse ways. The nature it takes determines to a large extent whether the plaintiff or victim will be entitled to compensation.

a) Injuries arising from motor vehicle accidents

This nature of accident takes place on the roads or within the factory and/or industrial complex. The prevalence of accidents caused by motor vehicles on the road has a fair reporting compared to accidents caused by motorized mechanisms within our industrial/factory complexes. Prevalence of motor accidents in our society with resultant personal injuries is stupendous. In Nigeria between January to October 2019, 9698 accidents were recorded in Nigeria with a total of 4737 deaths. A lot of Nigerians sustaining varying degree of injuries within the same period.[6]

It is worthy of note that plea bargain[7] is part of our jurisprudence today. The society seems not fully satisfied with it or that the society seems not to fully sensitized about plea bargain. Parties quickly settle both criminal and civil disputes arising from accident without recourse to court. The reason is not far-fetched. The courts have been viewed by some as a bundle of technicalities where tortfeasors go scot-free on technical grounds without consideration of justice for victims or their relatives.[8] In *Chukwu v Makinde*,[9] it was a case of negligent and reckless (indiscriminate) parking of trailer which 1st respondent collided with causing 1st and 2nd respondents some degree of injuries. The second respondent lost some teeth and had permanent scars, permanent

[3] In almost every accident involving persons where the victim is so lucky to escape unhurt physically, shock coupled with anxiety is not absent.

[4] *Otti v Excel-C Medical Centre Ltd.* [2019] 16 NWLR Pt 1698 p274 Both trial court and Appeal court held that plaintiff/ appellant did not prove his case.

[5] B. A. Garner, Black's Law Dictionary 7th Edition p 790

[6] http//:www.channelstv.com; World Health Organization states that approximately 1.35 million people die each year as a result of road traffic crashes(www.who.int). Accessed 5th March, 2020

[7] S.167 ACJL, S.75 ACJL Lagos State, 2017, the EFCC Act 2001 SS. 14(2) & 270 of ACJA 2015

[8] What the victim/relatives does is to negotiate with the tortfessor and receive whatever he is willing to offer as compensation instead of going to court not only that, years will be wasted but that the outcome may be uncertain or the compensation awarded after several years will be an embarrassment of the whole process. Where death results the tortfessor may be charged to court and you will practically not see any relative or even the police to sustain the case.

[9] (2007) 9 NWLR pt 1038 p 195

disability, loss of life expectancy and earnings. The total damages court awarded for both respondents was ₦196, 084, 64, pain and suffering inclusive. The suit was commenced in *Akure High Court* with *Suit No. ALC/173/88*, in 1988. Judgment was delivered on 8/6/1995, 8 years after commencement of the suit. Appeal was entered in same suit in 1997 by *Appeal No: CA/B/246/97*. The Appeal judgment was delivered on 7/2/07 after 11 years. A total of 21 years were wasted in pursuit of a personal injury claim where permanent disability was suffered. In the whole judgment there was no mention of passage of time or inflation and its effect on the claim.

The award of ₦169,084:64 as compensation after 8 years of instituting the claim where permanent disability was suffered makes nonsense of the claim and essence of justice. It took another 13 years to determine whether the victims of the accident could actually receive the sum awarded.[10]

Apart from physical injuries like loss of limb or forearm or tooth and permanent scares, there are also such other intangible injuries such as emotional trauma, psychic distortions, and mental suffering arising from the injuries, grief and shocks etc. These could be said to have come under the head of pain and suffering. However where these traumas and scars drive the victim to suicide the dependants or direct relatives may still have a claim.

In Nigeria recovering damages in such circumstances is certainly an uphill task. Where medical evidence supports the claim that the person had severally been treated of depression as a result of the injury resulting from the accident, the dependants may be able to recover. The quantum of compensation recoverable depends on the disposition of the judge to such issues irrespective of the proof that suicide occurred due to the effect of the accident and resultant injuries.

b) Injuries arising from workplace/employment other than motor vehicle accidents on the road.

The aphorism that an employer must provide a safe work environment cannot be overemphasized. It is also the duty of the employer to provide safe plant and machinery, safe and competent employees and safe system of work. The employer has a duty of care to provide beyond these.[11] Where the employer fails in any of these duties he will be held liable to compensate the victim for the injuries suffered. Where there is a provision in the law which the employer neglects or failed to comply with the employer will be almost always strictly liable to compensate the victim.

There are exceptions to these. The employer is not liable to pay compensation for injury which does not incapacitate the employer/workman for three (3) consecutive days from earning full wages[12] where it is also proved that the injury to the workman was due to serious and willful misconduct of the workman.[13] For compensation to be received the injury must have arisen out of and in the cause of employment. 'In the cause of' employment indicates that a person is doing

[10] Julius Berger Nig Plc v Ogundehin 2014 2 NWLR pt 1391 p. 388 where high court of Rivers State awarded a total sum of N67,178:844 special and general damages was commended. It was also a personal injury case. This case also lasted 7 years.
[11] The Factories Act Section 55
[12] Workmen compensation Act S. 3(2) (a)
[13] Ibid S.3 (2) (b)

his work when he is injured while 'out of' employment indicates that the injury must have arisen out of a risk peculiar to the employment.[14]

So much that there are ample provisions in the law[15] the victim may chose to bring his action under common law where the action is found on negligence. The judges are enjoined not to take into account any insurance money, benefits, pension or gratuity which has been or will or may be paid as a result of the death[16]. In *Owolabi v Akinwumi Motors and Anor*,[17] the court awarded ₦307,490:00 as damages in favour of the University lecturer who was completely paralyzed in a motor accident due to negligent driving of first defendant's servant. The compensation appears well to be substantially reasonable at the time, but what was the basis for the award? On what multiplier did the court anchor its decision? Did the court consider how many years the victim would have worked before retiring? These issues are very important in arriving at a just decision. In *Smart v Nigeria Airways*,[18] the court applied a multiplier of 12 and awarded £30,000:00. The victim was earning £2,411:00 per annum at 49 years.

3. Adequacy of compensation

Compensation is usually awarded in favour of the injured workman or to his dependants where the accident or injury thereof resulted to death. The question is whether the quantum of compensation awarded is commensurate with the injury or damages suffered. The injury includes pain and suffering, periods of incapacity if any, psychological trauma, physical damage to the person, loss of earnings, etc. The injured person can bring an action under common law where the action is found on negligence.[19]Action can also be brought under the *Act* where the employer refused to pay compensation either in accordance with the *Act* or at all. In any of such cases the injured person or his dependants can bring an action in court to enforce the payment of compensation due to him.

In a fatal accident case where there are more dependants than one, wholly dependent on the deceased workman, compensation payable is the sum equal to forty two months earnings of the deceased workman. This is three and half year's earnings of the deceased workman. For instance where the dependants are the deceased aged mother and a five year old child, wife of deceased, and the father was killed in an industrial accident, what effect will the three and half year's multiplier have in cushioning the damage or meeting the justice of the case and caring for the two dependants for the time being? If the essence of compensation/damages is to put the plaintiff in a position he would have been had it not been the accident, can the three and half year's earnings be anything in the real sense as compensation? The case of *Salihu v Amalgamated Tin and Associated Mines Ltd & Ors*[20] may be illustrative though it was not a fatal accident case. The plaintiff whose leg was amputated was awarded only ₦1,500 as damages. On the other hand in *Fletcher v Autocar & Transport ltd*[21] the plaintiff who was severely injured in a motor accident

[14] Atiya's Accidents, Compensation and the Law 4th Ed. Peter Cane pp 327-328
[15] Workmen Compensation Act, Action can be brought under Fatal Accidents law & Torts law of the State where the accident occurred
[16] Torts Law Anambra State Cap 140, 1991 S. 115 (1) &(3)
[17] (1980) HIF/7/79 Judgment delivered 7/3/80
[18] Unreported judgment delivered Jan 50 1975. Reported in Kemp v Kemp Quantum of Damages Vol 2 Release N0. 5 p 13011
[19] The Act is WCA. Action of various states. Can be brought under Fatal Accidents Law or Torts
[20] (1958) NNLR 99
[21] (1968) 1 All E.R. 726

was awarded £114,477:00 in damages. This was however reduced by the *English Court of Appeal* to £83,477:00.

What was the basis for awarding only ₦1,500.00 to the plaintiff in *Salihu's* case? Could the money be for the purpose of buying walking-stick or for artificial limb for the workman whose one limb was amputated? If the case was decided in England the court would have considered whether the plaintiff will live normal life again; if he will be needing a servant; the cost of changing his crushes or artificial limb, the cost of artificial limb if need be. It should be noted that under the repealed *Workmen's Compensation Act*, there is limit of earning of a workman.

We are not unmindful of the fact that the case was decided long ago, but has the trend in the quantum of damages being awarded in this country changed? I think not. However, under the current dispensation where a university professor may well qualify as a workman, for instance and assuming he takes up job in a factory as a consultant and in the course of his duties, there was an explosion which resulted in his death. The court apparently will apply a multiplier of three and half years as provided by the *Act* where the action is brought there under. Could the three and half years multiplier provided by the *Act* meet the essence, concept or principles of damages in tort law in respect of such a case? Such cases are usually canvassed under the general common law principles.

Beyond the *Workmen's Compensation* Act, there are other legislations which do not place limits on the award of damages but are assessed as actions brought under *Common* Law. For instance the courts are enjoined to award damages as it may deem proportionate to the injury resulting in death. The courts are further enjoined not to take into account any insurance money, benefit, pension or gratuity which has been or will or may be paid as a result of the death.[22]

4. Principles Guiding the Assessment of Damages by Courts

The principle guiding the court in the assessment of damages in personal injury cases have been stated in *Samson Ediagbonya V. Dumez*[23] per Karibi Whyte JSC thus:

> 'It seems to have been established by judicial authority that in personal injury cases, two main factors have to be taken into consideration, in assessing damages in cases of liability. These are; (a) the financial loss resulting from the injury; (b) the personal injury involving not only pain and suffering, but also the loss of the pleasure of life. Perhaps one of the most difficult exercises in assessing damages is the quantification of the loss whether financial or personal. The court proceeds with the underlying assumption that damages are compensation for injury sustained and are not meant to be punitive. They are meant to be full and adequate. It must be recognized and conceded that the fullness and the adequacy of damages awarded as compensation will in each case depend on proved solid facts of the case and a just and fair easement of the effect of the injury complained of. Damages are assessed as a lump sum and once for all not only in respect of loss accrued before the trial but also in respect of prospective loss.' [24]

[22] S.115(1) & (3) Torts Laws Cap 140
[23] (1986) 3 NWLR PT 31 P. 53 Salihu V. Tin Associated Minerals Ltd (1958) NMLR 56
[24]Ibid at pp.761-762; See also Fair V. London and North Western Rail Co. (1869) 21 LT 236

The judge has a duty to consider what is fair and reasonable compensation for injuries sustained. It was suggested in the case of *S.C.C (Nig) Ltd v. Elemadu* that previous awards made by judges in comparable cases can be relied on.[25] In *C&C Construction Co. Ltd V. Okhai,***[26]** the respondent brought an action in damages for negligent handling of a crane of the 1st appellant which crushed his leg and caused it to be amputated. The claim was dismissed by the trial court and no assessment of damages was made. The plaintiff appealed. The court of Appeal awarded a total of ₦700,000.00 in favour of the appellant but made no order as to pain and suffering on the ground that there was no medical evidence in support thereof.

There was appeal and cross appeal to *Supreme Court*. The *Supreme Court* in assessing damages for pain and suffering had this to say per Justice Pats Acholonu;

> 'Pain is an intangible agonizing traumatic experience deeply internalized in the sufferer … there has not yet been devised, invented or developed a method medically or scientifically assessing the pain of a sufferer in such a way that the device can be tendered in evidence…The word, 'pain' along with the twin term of 'suffering' is a malaise which could be debilitating in its ferociousness if the pang is excruciation as in someone whose leg is crushed and had to have the leg amputated, or it could be a mild pain which the victim may bear with fortitude; but, the common characteristic is discomfort and sometimes misery leading to depression and anguish of the body and even of the mind leading even to a state of unhappiness and distressfulness.'[27]

In the same vein Uwaifo JCA (as he then was) in *Strabag Construction Nig Ltd. V. Ogarekpe*[28] referred to the observation of Sellers L.J in the English case of *Wise V. Kaye***[29]** where he stated thus;

> 'It has always been accepted that physical injury and personal experience of pain, and also of suffering, including worry and anxiety for the future and apprehension of an operation, or of nursing or deprivation of activity owing to disablement or embarrassment or limitation felt by reason of disfigurement, cannot in any true sense be measured in money… Damages for such injuries, originally almost invariably assessed by juries were said to be at large, and had to be assessed on a reasonable and fair basis between party and party. There can be no restitution for loss of a limb or loss of a faculty but the law requires adequate compensation to be assessed.' [30]

Though in the case of *Okhai*, negligence was not proved and the assessment made thereof by *Court of Appeal* was disallowed, however the *Supreme Court* awarded damages under three

[25] (2005) 7 NWLR Pt. 923 P. 28
[26] Ibid at p.84, Conway v. George Wimpy & Co. (1950) 2 All ER 331, wise v. Kaye. Ante (2003) 18 NWLR pt. 851 P. 79
[27] Ibid P. 105
[28](1991)1 NWLR Pt. 170 P. 733
[29] Supra
[30] This case was quoted extensively in the lead judgment of justice Pats-Acholoru at page 105-106

heads as follows: (a)Loss of earning capacity ₦150,000:00; (b) Future Loss ₦500,000:00 & (c)Damages for pain and suffering ₦500,000:00, bringing total damages awards to ₦1,150,000:00

Though this case was earlier in time to *Elemadu's* case, the approach of the law lords in Okhai's case is preferred. It also appears that though the damage suffered in *Elemadu* is far above what was suffered by or in *Okhai's* case yet the damages awarded in the earlier case is preferred. It can be said that the Justices of the *Supreme Court* took a liberal and holistic approach to compensation in *Okhai's* case. Another interesting thing about the two cases is that neither of them referred to either *Workmen's Compensation Act* or the *Factories Act.* The cases were fought under the *Common Law*. There was no proof of negligence in *Okhai* but it was established that a duty of care which was owed to the Plaintiff/Respondent/Cross/Appellant was breached.

In a situation of fatal accident and the victim was not earning any salary, the court in all the circumstances will still award damages reasonable enough to meet the justice of the case. The court will not limit the damages to three and half year's multiplier and it does not seem that the court will be influenced by the fact that the victim was not earning salary at the time of the accident and subsequently, death. Similarly where the victim was an engineer or a high core professional, consideration of the person's contribution and usefulness in the family, level of income, etc are always considered by the courts.

5. A Case for Increment in the Quantum of Damages Awarded

The award of damages in Nigeria is not fixed whether in fatal accidents or in any other type of case, but such compensation or damages as is proportionate to the injury resulting from the injury or death of the person. Lord Wright in *Davies V. Powell Duffryn Associated Collieries ltd*[31] had this to say:

> 'There is no question here of what may be called sentimental damage, bereavement or pains, and suffering. It is a hard matter of pounds, shillings and pence, subject to the element of reasonable future probabilities. The starting point is the amount of wages which the deceased was earning, the ascertainment of which to some extent may depend on the regularity of his employment. Then there is an estimate of how much was required or expended for his own personal and living expenses. The balance will give a datum or basic figure, which will generally be turned into a lump sum by taking a certain number of years' purchase.[32]

The view as expressed by Lord Wright is a liberal approach in assessment and award of damages. Our judges have no reason to remain conservative in their approach to assessment and award of damages. Granted that it has been said that the high rate of awards in England could only be a guide and not a criterion in cases of damages in Nigeria,[33] but how has the situation in England affected Nigeria in award of damages?

[31] (1942) AC 601
[32] Ibid at P. 617
[33] Thompson J in Akidu Orekoya V. University of Ife and Anor. (1972) HIF/3/72

Another factor militating against increase in damages receivable by injured persons as well as dependants of a deceased person is that the tortfeasor may not be sufficiently solvent. But could that be good enough reason to allow the successful plaintiff a menial award? The attitude of the court in awarding damages that appear insignificant compared to the injury suffered has actually affected the mind of the populace from pursuing litigation as an option in personal injury cases. Parties usually settle out of court. If the courts are liberal enough compared to what is obtainable in other jurisdictions, the floodgates must have been thrown open and eventual jurisprudential development of this branch of the law.

We have just considered only two options in the award of damages by the court. That is under *Workmen's Compensation Act* and *Torts Law.* Could our courts take the challenge without more and award more damages in personal injury cases?

There are somewhat traditional heads which the courts continually uphold and award damages once proven, the fact that a particular head has not been used or approved of does not mean the court will not so uphold it if there be genuine proof of it howsoever. Judges will as a matter of necessity award damages where there is genuine case of the plaintiff suffering damage. The contention has been on the issue of quantum of damages in respect of personal injuries. In the case of *S.C.C (Nig) ltd v Elemadu* the *Court of Appeal* per Ogbuagu JCA had this to say:

(a) 'In assessing general damages, the court has to consider what is fair and reasonable compensation for injuries sustained and the previous awards made by judges in comparable cases can be relied on.

(b) The deprivation suffered by a person because of the injury not necessary in a professional capacity, but merely in his enjoyment of the ordinary amenities of life.

(c) While no medical evidence may be necessary to justify a claim for damages for 'pain and suffering' resulting from injuries sustained from accident, an award under this head, it has been held, will be considerably enhanced where, there is concrete evidence as to fear of future incapacity, either as to health, security, or ability to make a living, sadness or embarrassment caused by disfigurement' [34]

The court however went further to state that the fact that damages are difficult to estimate and cannot be assessed with certainty or precision does not relieve the wrong doer of the necessity of paying damages for his breach of duty of care and it is no ground for awarding nominal damages. It was also said in that case that there can be no restitution for the loss of a limb or loss of a faculty but the law requires adequate compensation to be assessed on a reasonable and fair basis[35]. In *C & C Const. Co. Ltd v Okhai*[36] the *Supreme Court* per Justice Edozie JSC said;

> 'It must be recognized and conceded that the fullness and adequacy of damages awarded as compensation will in each case depend on proved solid facts of the case and a just and fair assessment of the effect of the injury complained of. Damages are assessed as a lump sum and once for all not only in respect of loss

[34] Ibid at p. 84-85. Emphasis mine
[35] Ibid at P. 70-71 Per Mukhtar JCA in the lead Judgment
[36] (2003) 18 NWLR Pt 851 P. 79

> accrued before the trail but also in respect of prospective loss. It is a duty of the court to award as perfect a sum as was within its power based on established facts; accuracy and certainly are often unattainable' [37]

In *Adeleke v. Anike*,**[38]** it was held that it was well settled that there are many losses which cannot easily be expressed in terms of money, or its quantum. This difficulty notwithstanding, some valuation in the language of money/money terms is still undertaken by the courts. This enables the judge/ court to approve some remedy to ameliorate the loss and suffering of the dependants - often helpless women, children and old people who suddenly lost their breadwinner.[39] The mind of the court has rightly been expressed in these cases. That notwithstanding there is a very strong inertia in translating this mind of the judges/courts in damages awarded by the court.

It appears and certainly so in Nigeria that even where an action is brought under *Common Law* for personal injuries, the court will almost always not consider things which in its opinion may appear superfluous. In *Elemadu's* case it was stated that; claims in damages for pain and suffering, scars, inability to copulate as claimed by the respondent in the instant case or damages for loss of amenities of life are in the nature of general damages and do not have to be pleaded separately and distinctly.[40]

In our view, a typical English court would have rightly considered the effect of the injury on the victim respecting his inability to copulate. This may affect the mind of the court in awarding higher damages even under the general head of damages. In *Pickett V. British Rail Engineering***,**[41] the *House Lords* held valid the plaintiff's claim for damages for pecuniary benefits which would have been received during the span of life which he has been deprived in the lost years. In that case the plaintiff's life was shortened as a result of the accident and injury thereof.

In *William Cullen V Scan Building Services Ltd*[42], though the case was settled by tender and acceptance the plaintiff received £11,750.00. The plaintiff had claimed £50,000.00 as damages for injury suffered in the employment of defendant. The defendant accepted liability to the tune of £15,000.00 but paid 75% of it arguing that plaintiff contributed to his injury. The plaintiff who had worked for the defendant for 37 years was still in the employment of the defendant.[43]

While it may be canvassed in favour of the injured person for increase in damages to be awarded, the fact that assessment of damages also flow from the earning capacity of the injured person as at the date of the accident and what should have been the position if the person is still in the employ if the injury had not occurred is an important factor. The injured person is not expected to make profit out of his injury.

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[37] Ibid p. 114
[38] (2006) 16 NWLR Pt. 1004 P. 131
[39] Ibid p. 177
[40] Ibid at p.69
[41] (1980) AC 136
[42] [2018] SC EDIN 15 It was stated in that case that valuation of a case of this type was relatively straightforward by reference to the Judicial College Guidelines. The maximum award for solatium would have been about £15,000. The motion brought by claimant against the offer of £11,750.00 was rejected with cost.
[43] Rothwell V Chemical and Insulating Company Ltd [2007] UKHL 39 it was held that an action for recovery of future injury is not actionable

The Nigeria jurisprudential approach to compensation is not far apart from its British counterpart; and the case laws are cited with approval and applied in assessment of damages in Nigeria. The approach has been to meet the losses suffered by the plaintiff so far and as money can do it. However there is ample need for improvement in the quantum of damages awarded.

In Ozigbu Eng. Co. Ltd v. Iwuamadi[44], it was stated that in the award of damages, the courts are endowed with an unfettered discretion to keep up with the times and economic trend in the country and most especially with the prevailing fluctuating and rather obvious decline of the purchasing power of the Nigerian currency i.e. the Naira. In the instant case, the appellant's insistence that the ₦200,000.00 awarded to the respondent was excessive is most unreasonable and rather misconceived.

6. Conclusion

The expression of the law lords in *Iwuamadi* certainly showcases and reflects on the value of the award in relation to the economy. If the law lords rightly considered that the victim had spent his youthful life working for the appellant and that the lost eye could not be replaced, of what essence is the sum awarded for the lost eye?[45]

The *Workmen Compensation Act* should be amended to reflect increased multiplier of between 15 and 18 years depending on the age and skill of the person so injured or died as a result of accident. The judges should also state in their decisions, the multiplier applied and the reason for so believing that such multiplier in a personal injury case would be sufficient to meet the justice of the case. The judges should do more by translating their expressed views in monetary value. It is what the litigant gets from the justice system that determines the faith the citizens have thereof. Our judges and courts have not really translated their desire to improve on compensation awardable in personal injury cases as can be seen from the very lines of reasoning and expressions in judgments thereof. The judges' desire to improve the compensation must be translated in monetary terms to the successful litigant.

[44] 2009 16 NWLR PT 1166 P 44. The respondent who worked 17 years for respondent and lost one of his eyes in the employ had his appointment terminated. The 200,000:00 general damages was only in respect of the eye that was lost.

[45] The court can only award what was sought from it and no more. The total damages sought by the plaintiff in that case was really small.