

RMM LAW COLLEGE SAHARSA

LAW OF TORTS

IIIrd Part

Paper -V

TOPIC- Kinds of damages

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Kinds of Damages :

There are four kinds of damages; contemptuous; nominal; sustainable; and exemplary.

1) Contemptuous Damages -

Contemptuous damages are awarded when it is considered that an action should never have been brought.

2) Nominal Damages :

Nominal damages means a sum of money that may be spoken of, but that has no existence in point of quantity. e.g. One Anna (equivalent to 6 Paise) one shilling. Nominal damages are awarded where an action was a proper one to bring, but the plaintiff has not suffered any special damage, and does not desire to put money into his pocket. Such damages are given where the purpose of the action is merely to establish a right, e.g. trespass, invasion of a right of easement. Every infringement of a right involves a claim to nominal damages, which may be one shilling or a farthing.

3) Substantial or Ordinary Damages

Substantial or Ordinary Damages are awarded where it is necessary to compensate the plaintiff fairly for the injury he has in fact sustained. The law does not aim at restitution but compensation, and the true test is, what sum would afford under the circumstances of each particular case, fair and reasonable compensation to the party wronged for the injury done to him. The plaintiff's own estimate is regarded as the maximum limit.

4) Exemplary Damages -

Exemplary Damages are awarded wherever the wrong or injury is of a grievous nature, done with a high hand, or is accompanied with a deliberate intention to **injure**, or with words of contumely, and abuse, e.g. gross defamation, seduction of a man's daughter, malicious prosecution, unconstitutional action, e.g. wrongful arrest of a servant of the crown, or when the industry which causes injury is hazardous or inherently dangerous, though in such cases it would not be wise to link damages with the paying capacity of the industry.