

PRACTICAL APPROACH TO ASSESSMENT OF LIABILITY AND DAMAGES IN TORT.

By R. K. NATHAN. [Singapore: Malayan Law Journal. 1986.  
xliv + 312 pp. Hardcover: S\$ 125.00]

WITHIN its relatively short 312 pages, the author who is a Malaysian practitioner of many years standing, has sought to cram a whole range of topics related to both liability and damages in the law of torts. In the preface, the author reveals that he “initially intended to only write on the law relating to the assessment of damages”. However it then occurred to him that the book would be more complete if he had also incorporated the “entire law of negligence and its applicability to the various professions”. The author is to be commended for attempting such an ambitious task. It is to his credit that he did not produce a voluminous work in the process. Not surprisingly, this reviewer found a conspicuous lack of analytical discussion of the principles of law covered in this book. Rarely can one find the author offering his views on the various principles and judicial decisions which he cites. Where the authorities are in conflict, the author does no more than to state the conflicting decisions without attempting to explain or resolve them. However, there is a short commentary on the latest amendments to the Malaysian Civil Law Act in respect of the assessment of damages in cases of personal injury and death. Unfortunately this book was published before amendments of a similar nature were made to the Singapore Civil Law Act in 1987.

I found the author’s style rather disjointed: it reads more like a case citator. It is doubtful whether laymen would find this book readable. The chapters consist almost entirely of terse statements of principles and notes of cases; one following another and grouped together under a common theme. A few chapters begin with no introduction other than a case note.

<sup>1</sup> [1972] 1 M.L.J. 52.

<sup>2</sup> [1971] 2 All E.R. 949.

On the other hand, this book was admittedly never intended to be an academic or scholarly work. It was meant to be no more than a “practical approach”. In that sense it has succeeded because it is immensely useful to busy practitioners specialising in this area of law. The author has collected a remarkable number of Malaysian and Singapore cases on the law of torts as well as on related issues of evidence and procedure. By consulting this book, the busy practitioner would be able to ascertain at a glance most of the relevant local cases on any one point. In addition, he would have short notes of these cases. The author has also included cases of practical value in litigation. These include cases on the admissibility of police statements, police reports and sketch plans.

Practical procedural points such as pleadings, interrogatories, probate and letters of administration are also included. Valuable time otherwise spent searching through the numerous indexes of the *Malayan Law Journal* would be saved by using this book.

The price is rather steep but presumably the publisher could produce a paperback edition which would result in a lower price. I was disappointed to find that 4 pages were completely blank.

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