

Paul and another (Appellants) v Royal Wolverhampton NHS Trust (Respondent)

Case ID: 2022/0038

Case summary

Issue

Can an individual make a claim for psychiatric injury caused by witnessing the death or other horrifying event of a close relative as a result of earlier clinical negligence?

Facts

These are three conjoined appeals. Each appeal relates to a claim by an Appellant for psychiatric illness caused by viewing a traumatic event which was caused by a Respondent's negligence. In each case, the Appellant witnessed or attended shortly after a death caused by the Respondent's negligence.

Following existing law, the Paul and Purchase claims were dismissed by the High Court and County Court respectively, with permission given to appeal. Following Paul, an application to dismiss the claim in Polmear was rejected and permission given to appeal.

The cases were conjoined and heard together before the Court of Appeal. The Court of Appeal found for the Appellants in Paul and Polmear, and for the Respondent in Purchase.

All three cases come before the Supreme Court as a conjoined appeal.

Judgment appealed

[\[2022\] EWCA Civ 12](#)

Parties

Appellants

Saffron Olivia Kaur Paul
Mya Paul (a child by her LF Mrs Balbir Kaur Paul)

Respondent

Royal Wolverhampton NHS Trust

Appeal

Justices

Lord Briggs, Lord Sales, Lord Leggatt, Lord Burrows, Lady Rose, Lord Richards, Lord Carloway

Hearing start date

16 May 2023

Hearing finish date

18 May 2023

Watch hearing

16 May 2023 [Morning session](#) [Afternoon session](#)

17 May 2023 [Morning session](#) [Afternoon session](#)

18 May 2023 [Morning session](#) [Afternoon session](#)