

Slovakia

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Damage Associated with the Operation of a Motor Vehicle

- Judgment of the Regional Court Trenčín of 22 April 2020, Case No Cdo 5Co/4/2020

Brief Summary of Facts

- The claimant sought compensation for damage to a motor vehicle damaged in an accident from the driver of another vehicle (defendant 1) and her insurance company (defendant 2) for damage to a motor vehicle which was involved in an accident.

Brief Summary of Facts

- The cause of the accident was a collision with a wild animal, which ran onto the road from a field next to the road, thus entering the path of the defendant's motor vehicle
- As a result of its collision with the defendant's car, the wild boar was thrown into the air and into the claimant's approaching vehicle.

Brief Summary of Facts

- The court of first instance dismissed the claimant's action on the ground that defendant 1 did not infringe any road regulations as imposed by law,
- The appellate court dismissed the judgment and returned the case to the court of first instance for a new hearing,
- The Court of first instance, in its second judgment ordered defendant 1 to pay amount claimed,
- Defendant 1 appealed, the appellate court upheld the second decision of first instance as correct.

Judgment of the Court

The damage caused by a wild boar being thrown into the air by a motor vehicle and subsequently thrown into another oncoming vehicle constitutes damage associated with the operation of a motor vehicle.

Commentary

- Arguments (court of first instance, first judgment):
 - Defendants 1 and 2 had not breached any legal requirements
 - There is no liability for damage caused by the operation of a motor vehicle either
 - The damage was caused by circumstances that did not originate in the operation of the vehicle itself. An animal being thrown into the path of an oncoming vehicle is both an external and unpredictable circumstance

Commentary

- Arguments (appellate court):
 - Without working of the movement and speed of the defendant's moving vehicle, the animal would not have been thrown against the claimant's oncoming vehicle
 - There is no difference between a "thrown stone lying on the road" and an "animal suddenly running onto the path of a motor vehicle on a road"

Commentary

- Arguments (appellate court):
 - The damage had been caused by the special nature of the operation of the motor vehicle ... "there is no doubt that the motion itself (rolling motion of the wheels) and the speed of the vehicle are a special, specific feature of its operation ... The operation of a motor vehicle thus present a cause for the wild boar to be thrown against the oncoming vehicle"

- Thank you -