

Case brief

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### **Dead bird**

Parties: Defendant: The Pet Shop Owner, The Pet Shop, 15, Labrador Street, Ipswich

Plaintiff: Mr. John Phyton, 3, Monty Lane, Lincoln

Facts:

The instant case involves the following circumstances:

1. 11 th October I purchased a living bird in The Pet Shop in Ipswich from the vendor
2. The same day a bird died
3. The day after I have visited personally a shop but the vendor did not accept my complaint
4. 13 th October I sent a letter of complaint to a lower court in Ipswich

In the first instance, the court ruled that there is no reason for a redress. I was dissatisfied. I would like to send my complaint to the Court of Appeal.

Legal issues:

The question raised by this case is whether my loss can be awarded damages. In view of the fact that I could not affect the case and casual death of a bird.

The issue in the case is that vendor has no responsibility for health of sold animals.

I gave the case to the Court of Appeal.

The ruling of the court:

The court reversed the ruling of the first instance. The court ruled that a money given to the vendor in this purchase has to be given back to Mr. John Phyton.

The reasoning of the court:

The court drew the conclusion that the defendant is bind by the terms and conditions for pet sellers.  
The Court of Appeal rulled in favour of plaintiff and the defendant has to pay him finanial damages.