

**CASE COMMENT ON CONSTANTINE v. IMPERIAL LONDON
HOTELS LTD.**- Devayani Shukla¹**Abstract**

The paper has covered Injuria Sine Damnum in great length and has analyzed and studied numerous relevant case laws. One of the judgments that the researcher looked at was Constantine v. Imperial London Hotels Ltd. The case is interesting as it talks about a Tort Maxim and a breach of contract. To provide a complete picture and conduct user research, the study additionally studied and examined a large number of additional situations. A person should have the means required to safeguard and uphold their rights as well as a remedy if they are harmed or have their rights violated while acting on those rights. When a person suffers loss from a person where no contract or obligation exists between the parties, the perpetrator may be sued in civil court by the party that was harmed. The plaintiff, as a result, receives damages as compensation. Damages are awarded to the plaintiff based on the facts and the loss that occurred. The loss that occurred to the party is not always monetary loss per se; it can be a legal right violation too. Furthermore, the injured party receives damages even in the case of legal right violation. The paper has discussed many other cases for a better understanding of the law for the readers and to establish a proper research method. The paper also talks about Injuria Sine Damnum at length for the purpose of a better understanding of the maxim and has discussed many cases relating to the maxim. The researcher, through the paper, aims to simplify the law so that anyone can understand it in one proper reading.

Key Words: Damages, legal damage, right violation, breach.

Introduction:

¹ Student at Symbiosis Law School, Hyderabad

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

The law of torts is a foreign concept that gained much importance only after the emergence of the English in India, considering that the British introduced the idea of damages to the person who has suffered a loss and that the person who caused the loss is responsible for causing the damages. 'Ubi jus ibi remedium,' which translates to "There exists a remedy where there is a right.," is the basis for tort law². It asserts that when a right has been established by law, a commensurate remedy must be offered when that right is violated. *Remedium* refers to the legal process for establishing or defending a right, whereas *jus* refers to the legal right to request a remedy. The French term for "wrong" is a tort. Latin for "twist" is "tortum," which is the root. It alludes to behavior that is tortuous or twisted. Tort does not mean a breach of contract or trust; instead, it is a civil wrong.

Injuria Sine Damnum:

An injury without any damages is referred to as *injuria sine damnum*. According to this adage, the damaged party has only experienced a legal injury without any other harm or loss. In this context, "injury" refers to a violation or infringement of someone's legal rights. The plaintiff may file a lawsuit against the defendant in court because the law of torts protects the person from injury (i.e., legal damage or an infringement of some legal right of a person). If the plaintiff's legal right is violated, the damage is the actual loss that leads to a legal harm order. Damages are the monetary sums of money that are awarded to the victim who has suffered a legal wrong.

In the current instance of *Constantine v. Imperial London Hotels Ltd*³, the *Injuria Sine Damnum* principle is applicable.

Facts of the case:

The current case is an English torts case and a case about a breach of contract. The facts are concise as follows,

Learie Constantine, a professional cricketer, had gone to play a match in London. He had gone to London with his wife and children and had pre-booked a room at the Imperial Hotel.

²Perna Deep, *The Door Left Ajar: Evolution of Law of Torts in India*, 1(2) INTL. J. OF L. MGMT. & HUMAN.,(2018).

³Twinkle Bhandari, "[Case Analysis and Case Comment on Constantine v. Imperial London Hotels Ltd.](https://www.ijsr.net/get_abstract.php?paper_id=SR22516142410)", International Journal of Science and Research (IJSR), Volume 11 Issue 5, May 2022, pp. 1323-1327, https://www.ijsr.net/get_abstract.php?paper_id=SR22516142410

At the time of the booking, he was assured by the hotel staff that he and his family would be welcomed and treated with respect. However, when they were supposed to arrive, the hotel refused to let them remain. Since the white American army troops had complaints, issues, and concerns about staying at the hotel, it was stated that they could only stay for one night. Since Americans were staying at the hotel, the receptionist disparaged how the establishment could not have niggers. Constantine was embarrassed, ashamed, and angered since those folks were regarded as misfits. In the court of law, Constantine brought a claim. He asserted that the hotel had violated the terms of the contract and committed a tort since it was in violation of the common law principle that innkeepers should not deny guests lodgings without a valid excuse.

The *issue* in front of the court was whether the plaintiff's legal right had been violated and whether the plaintiff was entitled to receive monetary damages even though no actual loss occurred to him.

Judgment:

In the current case, the judge held that the defendant's claims that the hotel has adequately fulfilled its obligation by proposing the plaintiff stay somewhere else are rejected and that it is assumed that the innkeeper's primary responsibility is to make reasonable accommodations to the visitors. It was decided that even though the plaintiff suffered no monetary loss, the violation of his legal rights was enough to warrant the application of the remedy. As a result, the plaintiff was entitled to nominal damages in this case, and the court gave him a tiny amount of five guineas⁴.

As a result of the hotel management's tortious activities and the plaintiff's actual legal injury for which a legal remedy is offered, as in the case mentioned earlier, the *injuria sine damnum* doctrine was in existence. Anyone with their legal rights infringed or hurt can file a lawsuit and seek compensation.

Case Analysis:

Injuria sine damnum is a circumstance in which a person's unalienable private rights are violated without really resulting in any loss or damage to that person. Here Injury or tortious conduct is referred to as *injuria*. Although the defendant, in this case, may have

⁴CONSTANTINE V. IMPERIAL LONDON HOTEL LTD. 1944 KB 693

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

unintentionally committed a tortious act, the action will be invalid if the defendant's actions were indeed tortious. Damage, sometimes known as *damnum*, refers to harm or loss incurred in money, comfort, health, or other factors. *Injuria sine damnum*, or liability without evidence of damage, is actionable *per se*. Even when there are actual losses involved, it is still considered an infringement when someone else's right is moved. Even in the absence of evidence of substantial losses, an individual who believes these rights have been infringed has the right to bring a lawsuit.

Injuria sine damnum may be sufficient to bring an action where a person's private right is violated, according to the Privy Council of India. A cause of action is established if a person's legal rights are violated. Trespass of persons, such as a battery, assault, or unlawful imprisonment, and trespass to assets, such as real estate, tangible personal property, and libel, are all actionable torts *per se*. Without proof of actual or particular loss, the court must grant the plaintiff at least nominal damages. For instance, trespassing on private property is a violation of the owner's legal ownership rights, and as a result, the owner is entitled to financial restitution from the court.⁵

It was determined in the case of "*Sain Dass v. Ujagar Singh*"⁶ that nominal damages are generally granted. Immovable property is only covered by the *Injuria Sine* principle if it was acquired unfairly or illegally. Additionally, it was established that the principle cannot be used in all cases concerning the acquisition of property and only applies when there has been an unjust enrichment or trespass to property. If someone has wrongfully seized control of the person's property or damaged it in a way that infringes on his legal rights, only then may the person use the remedy.

The "*Ashby v. White*"⁷ case was a notable example of a few case regulations where we recognize how the *Injuria san damnum* principle was used. Mr. Ashby filed a complaint in a court of law after the defendant William White, one of the returning officers, wrongfully prohibited him from registering his ballot. The plaintiff's legal right was breached, and the court acknowledged this by awarding the plaintiff a favorable judgment.

⁵Roy, Modhura, Quantum of Damages in Tort Law (August 27, 2010). Available at SSRN: <https://ssrn.com/abstract=1666830> or <http://dx.doi.org/10.2139/ssrn.1666830>

⁶SAIN DASS V. UJAGAR SINGH (1940) ILR 21 LAH 191

⁷ASHBY V. WHITE (1703) 2 LD. RAYM.938

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

Another case was "*Bhim Singh v. The State of Jammu and Kashmir*,"⁸ in which Mr. Bhim Singh, the appellant, was barred from the legislative assembly session. As a result, his freedom was violated, which caused harm to the plaintiff because it infringed upon his absolute private right.

It was noted in the current case of "*Constantine v. Imperial London Hotel Ltd.*" that a suit had been brought by the plaintiff, who alleged a contract breach by the hotel. As a result, in this case, the plaintiff was given a small award of damages even though there was no financial loss or physical harm, but there was an infringement of his legal rights.

Analysis of the cases mentioned:

'*Ashby v White (1703) 92 ER 126*' is an English torts case that deals with the right to vote and the misfeasance of a public officer.

The brief facts of the case are that the plaintiff, Mr. Ashby, were permitted to vote. Still, the defendant Mr. White, one of the returning officers, unlawfully prevented him from doing so in the British Parliamentary election due to the plaintiff's lack of nationality, the fact that she had never given to the church or the poor, and the fact that she had never donated to the poor. As a result, the plaintiff sued the defendant in a court of law. The court held that the plaintiff suffered damages because the defendant violated his legal rights by preventing him from casting a ballot. Additionally, it was decided that even while the plaintiff may not have experienced any monetary losses, his interference with another person's lawful private right constituted legal harm for which a legal remedy was offered.

The doctrine of *injuria sine damnum* is relevant in the aforementioned case because a person's right to vote was denied, resulting in a legal injury for which a remedy is accessible. Since a person's legal right has been violated, this is where the cause of action lies.

'*Bhim Singh v. State of Jammu and Kashmir AIR 1986 SC 494*' the case involves false imprisonment, a situation in which a person or an authority willfully violates the freedom of another without a court order or the consent of the person being imprisoned.

The facts of the case are that the plaintiff was purposefully prevented from attending the legislative assembly session. He was stopped by the police while traveling, put in prison, and

⁸BHIM SINGH V. STATE OF JAMMU AND KASHMIR AIR 1986 SCC 494

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

kept in a hidden location. The plaintiff suffered harm because his unalienable right to privacy was breached, which was a violation of his personal liberty.

It was decided that the plaintiff was entitled to damages or monetary compensation in the sum of Rs. 50,000 for false imprisonment and illegal detention. The principle of *injuria sine damnum* is successfully applied in this case since the plaintiff's absolute right to privacy was violated because he was detained without a warrant, and as a result, he was entitled to damages from the court.

'Marzetti v. William bank (1890) Kb'

The brief facts of the case are that the plaintiff had a bank account with the defendant's bank, and he had a sizable balance. He attempted to withdraw a certain amount of money from his account using a check, but the check was finally returned as unpaid, preventing him from doing so. The actions of the bank authorities lacked any legitimate justification. Thus, the plaintiff brought a lawsuit in court alleging that the bank officials had dishonored the check in error.

It was decided that the defendant committed a tort for which the court held him responsible by forcibly stopping the plaintiff from withdrawing money from his account. The jury found that although the plaintiff had not experienced any financial loss, his legal right to privacy had nonetheless been infringed, thus the court granted him nominal damages.

Since the plaintiff in the above-mentioned case experienced a legal injury, the law is appropriately applied in this situation. A legal remedy is possible if someone's legal private rights have been interfered with or violated for that reason.

'Nixon v. Herndon 273 U.S. 536 (1927)'¹⁰

The plaintiff was a native of Texas and the United States, to give a concise summary of the case's facts. He came from an African American family. He was eligible to vote in the democratic election because he was a registered voter. He had the right to vote, but he was unable to cast a ballot. On the grounds that Texas law infringes on their rights, the plaintiff filed a case against the election judge. This recently passed law prohibited Blacks from voting in the Democratic Party election.

It was determined that the plaintiff, in this case, experienced personal injury, and the law offers a remedy. According to the court, the 14th Amendment makes the Texas law illegal.

⁹MARZETTI V. WILLIAM (1830) 1 B & AD 415

¹⁰NIXON V. HERNDON, 273 US 536

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

Given that the plaintiff's legal rights were violated and that injury gave rise to a claim, the Injuria Sine Damnum concept is pretty applicable.

***'Ashrafilal v Municipal Corporation of Agra AIR 1921 All 202'*¹¹**

In the lawsuit, election commission employees wrongfully withdrew the plaintiff's name (Ashrafilal) off the electoral roll (from the list of candidates who were eligible to vote). As a result, the plaintiff was prevented from exercising and enjoying a basic right that is granted to every citizen—the right to vote. As a result, the plaintiff filed a lawsuit against the municipal corporation, claiming that it had infringed his article 21A fundamental right.

The court that made the ruling stated that the defendant (the officials of the Municipal Corporation) was deemed to have infringed upon the plaintiff's lawful private right to vote and deprive him of this fundamental right. Due to these reasons, the court awarded the plaintiff damages or financial compensation.

Since the plaintiff's legal injury resulted from violating their fundamental right to vote, the principle of injuria sine damnum is effectively applied in this case. If a person's legal rights are violated, they are subject to legal action, and the court must offer that person a remedy under the law.

***'Sain Das Vs. Ujagar Singh (1940)ILR21LAH191'*¹²**

As was established in the case of Sain Das v. Ujagar Singh, the principle of injuria sine damno is applicable to immovable property when there has been an unwarranted trespass on the property in possession of another. It is also applicable in cases of trespass, where nominal damages are typically awarded. The rule cannot be applied in all cases of property attachment, regardless of the circumstances; it was also determined.

The principle of Injuria Sine Damnum is evidently being applied correctly in each of the aforementioned cases because the plaintiff's legal rights have been infringed in some manner, giving rise to a cause of action. As was previously indicated, if any legal damage has been sustained, a person may file a lawsuit since, in each case, the law has already provided a remedy for the issue. Thus, the plaintiff is entitled to damages in each of the aforementioned instances.

Case Comment:

¹¹Ashrafilal v Municipal Corporation of Agra AIR 1921 All 202

¹²Sain Das Vs. Ujagar Singh (1940) ILR21LAH191

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

From my point of view, the judgment in the case of Constantine V Imperial London's Hotel was validly given. The defendant in the present was at fault for not providing accommodation to the plaintiff on the valid ground and just a silly reason that the plaintiff was of color. The plaintiff was entitled to receive the damages from the defendant, i.e., the hotel, because though he had suffered no monetary loss, his legal right was injured. By not providing him with accommodation, the defendant infringed on his legal right of right to live. The right to live is a fundamental right and if anyone attempts to violate this right, they have to be made responsible for paying damages so that people won't go around causing to other people's rights. From my point of view, the defendant side could not put forward their case in a proper manner because the defendant side was at fault. So, I agree with the judgment, and in support of my argument, many cases are mentioned above.¹³

In the current study, the researcher has considered all precedents, read and analyzed numerous case laws, and identified all potential contexts in which the principle of Injuria sine Damnum may be used, as well as situations in which the plaintiff may file a lawsuit, pursue a legal remedy, or seek damages.

After conducting a thorough investigation, the researcher came to the critical conclusion that the law of torts is founded on the common law system and is drawn from judicial precedents and judgments handed down by the court. The precedents and already determined case laws will serve as a basis for deciding numerous other cases and will help lawyers, law students, and judges better comprehend the maxim. Thus, all of this contributes to India's healthy development.

Conclusion:

Though the case was under the principle of Injuria Sine Damnum, there is also an aspect of racial discrimination in the case. The hotel management did not let Constantine and his family get accommodation in their hotel just because they were black.

It would make sense to think that the judgment in the present case would bring about a change in regard to racial discrimination in hotels, but there was little to no change. Blacks

¹³2001 *Int'l Travel L.J.* 53 (2001)
No Room at the Inn - The Hotelkeeper's Right to Reject or Eject Guests - Part One, Grant, David, Sharpley, Julia
[12 pages, 53 to 64]

were still discriminated against and were not allowed a place to stay for a long time after the judgment was held.

From my point of view, laws should be made more extensive in matters of black discrimination. For example, in the present case, the plaintiff was awarded just five guineas, but I believe the compensation should have been more than merely an amount. Only then would the people be more careful, and such cases would not arise.



For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>