

TUI Ltd (Respondent) v Griffiths (Appellant)

Case ID: 2021/0208

Case summary

Issue

Whether, and (if so), in what circumstances, can the court evaluate and reject what is described as an "uncontroverted" expert's report?

Facts

The appellant, Mr Griffiths, purchased an all-inclusive holiday from the respondent. During that holiday, he suffered gastric illness as a result (he alleges) of contaminated food and drink consumed in the hotel.

Mr Griffiths subsequently brought a claim against the respondent for breach of contract and pursuant to the Package Travel, Package Holidays and Package Tours Regulations 1992. At trial, Mr Griffiths relied on the expert evidence of a microbiologist in relation to causation, who opined that his illness had been caused by the food and drink consumed at the hotel. The respondent did not rely on its own expert evidence. The Judge in the County Court held that she was not satisfied that the medical evidence showed that it was more likely than not that the appellant's illness had been caused by eating food and drink at the hotel, dismissing the claim.

On appeal in the High Court, this decision was overturned. On appeal to the Court of Appeal, the High Court decision was overturned. The appellant now appeals to the Supreme Court.

Judgment appealed

[\[2021\] EWCA Civ 1442](#)

Parties

Appellant(s)

Peter Griffiths

Respondent(s)

TUI UK Ltd

Appeal

Justices

Lord Hodge, Lord Lloyd-Jones, Lord Briggs, Lord Burrows, Lord Stephens

Hearing start date

21 June 2023

Hearing finish date

22 June 2023

Watch hearing

21 June 2023 [Morning session](#) [Afternoon session](#)

22 June 2023 [Morning session](#)