

SHERIFFDOM OF GLASGOW AND STRATHKELVIN AT GLASGOW

***INQUIRY HELD UNDER
FATAL ACCIDENTS AND
SUDDEN DEATHS
INQUIRY (SCOTLAND)
ACT 1976
SECTION 1(1)(a)
SECTION 1(1)(b)***

DETERMINATION by Sheriff John McCormick, Sheriff of the Sheriffdom of Glasgow and Strathkelvin following an Inquiry held at Glasgow on the FIFTEENTH of OCTOBER Two Thousand and TWELVE into the death of ROBERT MAIN

GLASGOW, 22nd October 2012.

In terms of section 6 of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976, the Sheriff, having considered the evidence and the submissions, FINDS AND DETERMINES:

(1) In terms of section 6(1)(a) of the Act, that Robert Main, date of birth, 19 March 1946, residing latterly at 15 Auldton Drive, Lesmahagow, Lanarkshire died at 10:40 hours on 20 July 2008 at Wishaw General Hospital as a result of pulmonary thromboembolism due to leg vein thrombosis due to a fracture of the right tibia (surgically repaired) sustained as a result of a fall on 20 June 2008 whilst working as a self employed painting contractor.

(2) In terms of section 6(1)(b) of the Act the cause of death was pulmonary thromboembolism due to leg vein thrombosis due to a fracture of the right tibia as a result of a fall.

(3) In terms of section 6(1)(c) of the Act there were no reasonable precautions whereby the death, or the accident which led to the death, might have been avoided.

(4) In terms of section 6(1)(d) of the Act that there were no defects in any system of working which contributed to the death.

(5) In terms of section 6(1)(c) of the Act, that there are no other facts relevant to the circumstances of the death in respect of which any determination falls to be made.

SHERIFF

NOTE:

[1] This Fatal Accident Inquiry called before me on 15 October 2012.

[2] The only party represented at the Inquiry was the procurator fiscal.

[3] I heard evidence from Mr Harvinder Singh Kholi, residing at Lochview, Craigmaddie Road, Bardowie, Milngavie. Mr Kholi is 67 years old. He is retired.

[4] Mr Kholi had contracted Robert Main to paint the exterior of his home.

[5] On 20 June 2008, at approximately 9.20 am Mr Kholi and his wife returned home to discover Robert Main partially lying and partially seated on the ground outside his home in some distress.

[6] Mr Kholi's wife summoned an ambulance which took Mr Main to hospital.

[7] Mr and Mrs Kholi visited Mr Main the following day.

[8] At no point did Mr Main say to Mr Kholi what had happened to cause his injuries. Mr Kholi surmises that Mr Main must have fallen from height. This is because, although the ladder

remained in position, paint had been spilled nearby indicating that an accident had occurred causing Mr Main to fall from the ladder sustaining injury.

[9] Mrs Janette Main, Mr Main's widow, was told that her husband had fallen from height. Beyond the fact that an accident occurred, the cause of the accident is unknown. Mr Main died on 20th July 2008, a month after his accident.

[10] In addition to an affidavit by Mr Main's widow, Mrs Janette Main, I also had regard to an affidavit of James McNamee, a paramedic with the Scottish Ambulance Service; an affidavit of Samantha Perry, a consultant at the Glasgow Western Infirmary together with affidavits of William Leach, Consultant Orthopaedic Surgeon at Glasgow Western Infirmary; Dr Andrew Graham of the Accident & Emergency Department at Wishaw General Hospital; Dr John Clark, Forensic Pathologist at the University of Glasgow and of Police Constable Mark Walton.

[11] I do not propose to detail the terms of the affidavits. Suffice to say that the affidavits together with post-mortem report dated 6 August 2008 by Dr John Clark have informed my formal Determination outlined above.

[12] Finally, I would like to express my condolences to the family of Robert ("Rab") Main, a 62 year old husband and father.

.....Sheriff