

Can a court take into consideration the evidence of more than one Expert Witness on the same topic (where both Experts appear for the same party)?

This question was considered recently by the Court of Appeal in the case of *Crumlish -v- HSE* [2024] IECA 244.

Noonan J stated as follows:

“...where an expert is called on one particular topic, but also gives evidence on another, such evidence might be the subject of objection by the opposing party before it is given on the basis that it infringes [Order 39, rule 58(3) RSC]. It might also of course be objected to on the ground that it is not within the relevant witness’s area of expertise....

However, if the evidence is given without objection, it seems to me that the court is not free to disregard it but must treat it in the same way as any other expert evidence.”

Full judgment here [pdf](#)