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Maharaj v. City of New York

Court of Appeals of New York - April 15, 2025 - N.E.3d - 2025 WL 1105833 - 2025 N.Y. Slip Op. 02143

Park user who was injured when he stepped into large crack in asphalt while playing cricket on tennis courts in city park brought action against city to recover for injuries.

The Supreme Court granted city's motion for summary judgment. Park user appealed. The Supreme Court, Appellate Division, affirmed, granted park user's motion for leave to appeal, and certified question of whether its decision and order were properly made.

The Court of Appeals held that risk of tripping and falling while playing on irregular surface was inherent in game of cricket, and therefore primary assumption of risk doctrine precluded imposition of liability on city.