

Ahmad Basit bin Suri

v

Muhammad Hamizul b Abdul Safari

Sessions Court, Teluk Intan – Civil Suit No. A53KJ-72-06/2015
Norita Mohd Ardani scj

[13] Quantum – *Abdomen – Grade 3 right renal injury – Right adrenal gland and pancreatic haematoma – Small bowel mesentery haematoma – Stomach contusion – Duodenum D3 and transverse colon perforation – Abrasion and laceration – Lacerations – Head – Multiple facial bone fractures (fracture of floor of right orbit, anterior, medial and lateral walls of right maxillary sinus, right lateral pterygoid process, greater and lesser wings of right sphenoid bone, right zygomatic arch and right anterolateral wall of sphenoid sinus) – Lower limb – Ruptured posterior cruciate ligament with gross posterior laxity and lateral collateral laxity – Traumatic right knee arthrotomy – Thorax – Lung contusion – Multiple scars*

Date of accident

March 20, 2013

Date of judgment

September 2, 2016

Judgment received

June 13, 2018

Brief description of plaintiff's injuries

1. Duodenum D3 and transverse colon perforation
2. Grade 3 right renal injury
3. Lacerations
4. Lung contusion
5. Multiple facial bone fractures – fracture of the floor of the right orbit, anterior, medial and lateral walls of the right maxillary sinus, right lateral pterygoid process, greater and lesser wings of the right sphenoid bone, right zygomatic arch and right anterolateral wall of the sphenoid sinus
6. Right adrenal gland and pancreatic haematoma
7. Ruptured posterior cruciate ligament with gross posterior laxity and lateral collateral laxity
8. Small bowel mesentery haematoma
9. Stomach contusion
10. Traumatic right knee arthrotomy

1 **Disabilities**

1. Inability to squat
2. Mild muscle wasting in the right thigh and right calf with decrease in girth by 0.5 cm each
3. Mild stiffness of the right knee joint with decrease in flexion by 10°
- 5 4. Multiple scars
 - (a) 4 cm healed laceration scar over the right eyebrow
 - (b) 6 cm ugly scar over the right iliac crest region
 - (c) 10 cm longitudinal surgical scar over the anterior aspect of the right knee
 - 10 (d) 26 cm midline surgical scar over the abdomen

Plaintiff's age

- | | | |
|----------------------------|---|----------|
| (a) As at date of accident | : | 20 years |
| (b) As at date of hearing | : | NA |

15 **Plaintiff's occupation**

- | | | |
|----------------------------|---|---------|
| (a) As at date of accident | : | Student |
| (b) As at date of hearing | : | Student |

Plaintiff's earnings

- | | | |
|------------------------------|---|----|
| (a) As at date of accident | : | NA |
| 20 (b) As at date of hearing | : | NA |

Liability

90% against the defendant

25 **Award (Based on 100% liability)**1. *General damages*

- | | | |
|---|---|-------------|
| (a) Grade 3 right renal injury and right adrenal gland and pancreatic haematoma | – | RM10,000.00 |
| (b) Lacerations | – | RM 1,500.00 |
| (c) Laparotomy and re-laparotomy | – | RM10,000.00 |
| 30 (d) Lung contusion | – | RM 7,000.00 |
| (e) Multiple facial bone fractures – fracture of the floor of the right orbit, medial and lateral walls of the right maxillary sinus, right lateral pterygoid process, greater and lesser wings of the right sphenoid bone, right zygomatic arch and right anterolateral wall of the sphenoid sinus | – | RM40,000.00 |
| 35 (f) Multiple scars (4 cm healed laceration scar over the right eyebrow, 6 cm ugly scar over the right iliac crest region, 10 cm longitudinal surgical scar over the anterior aspect of the right knee and 26 cm midline surgical scar over the abdomen) | – | RM10,000.00 |
| 40 | | |

(g) Pain and suffering during future surgery	– RM10,000.00	1
(h) Ruptured posterior cruciate ligament with gross posterior laxity and lateral collateral laxity	– RM20,000.00	
(i) Small bowel mesentery haematoma, stomach contusion, duodenum D3 and transverse colon perforation	– RM50,000.00	5
(j) Traumatic right knee arthrotomy	– RM10,000.00	
2. Special damages		
(a) Cost of future surgery	– RM 8,333.00	10
(b) Medical treatment at Hospital Teluk Intan and Hospital Sultanah Bahiyah	– RM 1,172.00	
(c) Nursing care (RM450.00 x 9 months)	– RM 4,050.00	
(d) Travelling expenses incurred by the plaintiff for outpatient treatment and the plaintiff's family whilst visiting the plaintiff at the hospital	– RM 800.00	15

Interest

(a) 2.5% per annum on special damages from date of accident until date of judgment.		20
(b) 5% per annum on general damages from date of service of writ until date of judgment.		
(c) 5% per annum on total judgment sum from date of judgment until date of full settlement.		

Solicitors

Shabnam Haseena Mohamad Hanif (SV Namasoo & Co) for plaintiff
Vijaya Anushia Vengadasalam (V Anushia & Co) for defendant

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