

Tan Choon Har 1
(menuntut sebagai balu dan wakil peribadi harta pesaka Patheven a/l CH Dorasamy, si mati) & Anor
v
Narayanan a/l Balachandran 5

Sessions Court, Ipoh – Civil Suit No. AA-A53KJ-99-03/2018
 Meor Sulaiman Ahmad Tarmizi scj

[51] Quantum – *Abrasion and laceration – 4 cm × 0.5 cm laceration wound over scalp – Laceration wound over right frontal region – Lower limb – Closed fracture proximal 3rd of left fibula – Degloving injury over left calf* 10

Date of accident 15
 February 8, 2016

Date of judgment
 April 25, 2019

Judgment received 20
 October 22, 2019

Brief description of plaintiff's injuries
(First plaintiff)

1. 4 cm × 0.5 cm laceration wound over the scalp 25

(Second plaintiff)

1. Closed fracture proximal 3rd of the left fibula
2. Degloving injury over the left calf
3. Laceration wound over the right frontal region 30

Disabilities

(Second plaintiff)

1. Constant numbness over the left leg
2. Difficulty in climbing staircases
3. Difficulty in walking with a normal gait due to pain 35
4. Inability to squat or to tolerate more than short periods of time on the left foot
5. Multiple scars
 - (a) 23 cm long scar extending to the posterior aspect of the calf (the scar starts from the distal calf laterally and proceeds proximally across the calf to the medial side of the leg and onto the anterior surface of the leg – the scar is about 3.5 cm broad) 40

- 1 (b) Two irregular scars measuring 3 cm × 2 cm and 5 cm × 3 cm over the
posterior aspect of the distal leg
6. Pain in the left leg when bearing weight and at rest
7. Reduced agility of the left foot

5 **Plaintiff's age**

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

Plaintiff's occupation

(*Second plaintiff*)

- 10 (a) As at date of accident : Security guard
(b) As at date of hearing : NA

Plaintiff's earnings

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

Liability

100% against the defendant

Award (Based on 100% liability)

20 (*First plaintiff*)

1. *General damages*

- 25 (a) 4 cm × 0.5 cm laceration wound over the
scalp [Note: No deduction was made
although the plaintiff had passed away
13 months after the accident] – RM 5,000.00

2. *Special damages*

- 30 (a) Travelling expenses incurred by the plaintiff
whilst receiving outpatient treatment at
Hospital Raja Permaisuri Bainun – RM 100.00

(*Second plaintiff*)

1. *General damages*

- 35 (a) Closed fracture proximal 3rd of the left fibula – RM15,000.00
(b) Degloving injury over the left calf
(Note: The plaintiff as a result suffers from
constant numbness over the leg, pain in the
leg when bearing weight and at rest,
difficulty in climbing staircases, difficulty in
walking with a normal gait due to pain,
inability to squat or to tolerate more than
40 short periods of time on the foot and reduced
agility of the foot) – RM15,000.00

(c) Laceration wound over the right frontal region	– RM 5,000.00	1
(d) Loss of marriage prospect	– RM20,000.00	
(e) Multiple scars (23 cm long scar extending to the posterior aspect of the calf (the scar starts from the distal calf laterally and proceeds proximally across the calf to the medial side of the leg and onto the anterior surface of the leg – the scar is about 3.5 cm broad) and two irregular scars measuring 3 cm × 2 cm and 5 cm × 3 cm over the posterior aspect of the distal leg)	– RM10,000.00	5 10
2. Special damages		
(a) Expenses incurred at Kuala Kurau Pharmacy	– RM 70.90	
(b) Hospital bills	– RM 251.00	
(c) Loss of earning capacity	– RM25,000.00	15
(d) Loss of earnings (RM1,700.00 per month × 6 months and 19 days)	– RM11,276.73	
(e) Travelling expenses incurred by the plaintiff whilst undergoing outpatient treatment at Hospital Ipoh	– RM 200.00	20
(f) Travelling expenses incurred by the plaintiff's family whilst visiting the plaintiff at Hospital Ipoh	– RM 100.00	
Interest		
(a) 2.5% per annum on special damages from date of accident until date of judgment.		25
(b) 5% per annum on general damages from date of service of summons until date of judgment.		
(c) 5% per annum on total judgment sum from date of judgment until date of full settlement.		30
Solicitors		
<i>Shabnam Haseena Mohamad Hanif</i> (SV Namasoo & Co) for plaintiffs		
<i>Shanthy Raj</i> (Raj Selva & Co) for defendant		
		35
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