

23 SEP 2018

Your Ref : MKR/103/7638/2017/as.mt
Our Ref : CF.clm.1657.18-mib

Service of Court
Documents by Fax
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Date: 26 SEP 2018

M/s Roy & Partners
101 Cecil Street #11-09
Tong Eng Building
Singapore 069533

By fax & PDX only

Dear Sirs

**ACCIDENT INVOLVING FBK 7736H & AN ALLEGED UNKNOWN VEHICLE ON 29.4.2016 ALONG
PASIR RIS DRIVE 1 TOWARDS PASIR RIS DRIVE 2
CLAIMANT: AINI BINTE MOHAMED NOOR, RIDER OF FBK 7736H**

1. We refer to the above matter.
2. We wish to inform you that we have our clients' instructions to deny the claim with the following reasons:-
 - a. There are no photographs showing the damage to the Applicant's motorcycle.
 - b. The Applicant did not obtain the First Information report.
 - c. There are no witnesses to the said accident though the Applicant in her police report reported that the accident took place at 16:45 hours and the volume of traffic was moderate.
 - d. The Applicant's version of the said accident in her police report is unclear and confusing.
 - e. The Applicant was not able to identify the make, model and colour of the unknown motor vehicle that she alleged had collided into her motorcycle FBK 7736H.

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- f. The Applicant did not draw a sketch in her GIA report to show how the accident, if any, had taken place.
- g. Traffic police did not take any action against any party to this alleged accident.
- h. The Applicant in her police report alleged she had filtered into the left lane from the first lane and while going straight, she suddenly "black out". There is nothing in her police report to suggest that she was involved in a hit and run accident / or an unknown motor vehicle had collided into her motorcycle.
- i. The Inpatient Discharge Summary from Changi General Hospital states the Applicant is allergic to Mefenamic Acid, Tetracycline, Naprozen, Diclofenac and Paracetamol and we query, if the Applicant has a pre-existing medical history causing her to black out?
- j. In her Application Form to the Motor Insurers' Bureau of Singapore, the Applicant described the accident as follows, "... I was riding my motorcycle FBK 7736H along Pasir Ris Drive 6 turning right to Pasir Ris Drive 1 to Drive 12. I was on the 1st lane from the right and filter to the left lane after looked to the mirror and make sure no traffic. As I rode on the left, I was knocked and got blacked out as something hit me". In her police report she is silent as to what and how "something hit me". Further, from this version the Applicant admits she was filtering lanes at the material time of the accident. There is the possibility the Applicant caused the accident by filtering lanes when it was unsafe and dangerous to do so.
- k. In her Application Form to the Motor Insurers' Bureau of Singapore, the Applicant opined "that the unknown vehicle was traveling behind me and collided into me is to be blamed and he/she did not even stop his/her vehicle after he/she caused the accident and caused me to suffer pain and injury from this accident. In her police report she is silent as to her motorcycle being hit from the rear.
- l. In the Inpatient Summary Discharge report from CGH it states that the Applicant "came in for
 - 1. RTA
 - was riding a bike and was involved into RTA
 - car in front of her e-broke causing her to e-break as well and crashed into the car
 - patient was flung forward unsure distance, fell on face and used both hands to break the fall".

This version of the accident given by the Applicant to her treating medical doctors is a contemporaneous account of how the accident took place. This version of the accident is unequivocal that the Applicant was solely responsible for the said accident. She admitted to her medical treating doctors that she rear-ended into an unknown motor vehicle traveling in front of her. It is

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evident from this version by the Applicant that she was not keeping a safe and proper distance from the front unknown motor vehicle and was in all likelihood following too closely to the said unknown motor vehicle.

- m. There are contradicting versions given by the Applicant on how the accident took place i.e. in her Application Form to the Motor Insurers' Bureau of Singapore, she alleged her motorcycle was rear-ended whilst in her account to her treating medical experts she alleged she collided into the rear of the unknown motor vehicle. Furthermore, in her police report, the Applicant is silent as to any motor vehicle colliding into her motorcycle.
- n. There is a letter dated 10th September 2018 from the Applicant's employers namely PUB and it states the Applicant is covered under the traveling extension of the Work Injury Compensation insurance policy which they have purchased for this employees. The insurers have reimbursed PUB for medical expenses and medical leave wages. The Applicant should be claiming for permanent incapacity under her employers Work Injury Compensation insurance policy and not pursue her claim against Motor Insurers Bureau of Singapore.

- 7/11/18
- 3. If your client wishes to appeal against our clients' decision to deny liability for the alleged accident, your client is obliged to provide us with his grounds of appeal within six (6) weeks of the date of this letter as required under the Agreement dated 22 February 1975 between the Minister of Finance and the Motor Insurers' Bureau of Singapore. Upon receipt of your client's grounds of appeal, we will forward the same to our clients. Our clients will then forward the said grounds of appeal together with their Submissions to the Public Trustee for their determination.

- 4. For the avoidance of doubt, all our clients' rights are expressly reserved.

Yours faithfully

CHRISTOPHER FERNANDEZ

cc. Clients