

## View Received Message

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**\*SBS3501C (MCT20100359)**  
**[SHC3704Y]**

TP

GO AHEAD SINGAPORE PTE LTD  
Oct 20 2020 9:00PM

Boxfresh Pte Ltd

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**From** India International Insurance Pte Ltd (HQ) (III\_SG), sent on **02/02/2021 16:20 PM.**

**To** LKK\_HQ

**Subject** Alert - Adj Mandate Maintained - SBS3501C - Claim Handler: Bhargavi Purushothaman Dhanya

Maintained:Hi, Please maintain rejection based on BOLA.

### DOCUMENTS SUMMARY

There are no documents.

## Jasper Chua (LKK Auto)

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**From:** Jasper Chua (LKK Auto)  
**Sent:** Tuesday, 2 February 2021 10:09 AM  
**To:** Dhanya B.Purushothaman  
**Subject:** MCT20100359  
**Attachments:** TP RESPOND.pdf

Dear Dhanya,

Attached TP research regarding the case. I manage to talk to TP , they are able to accept 50% liability on this.

Hence, to avoid the route of legal pursuit, we propose for an amicable settlement at 50%.

Kindly let us have your approval in merimen.

Best Regards,

**Jasper Chua** | Case Handler

**LKK Auto Consultants Pte Ltd**

Phone: 6841-2928 | email: [jasperchua@lkkauto.com](mailto:jasperchua@lkkauto.com) | fax: 6741-4108

Blk 51, Paya Ubi Industrial Park, Ubi Avenue 1, #02-25 | S(408933)

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**From:** Dhanya B.Purushothaman <Dhanya@iii.com.sg>  
**Sent:** Friday, 18 December 2020 3:04 PM  
**To:** Jasper Chua (LKK Auto) <jasperchua@lkkauto.com>  
**Subject:** RE: MCT20100359

Dear Jasper,

As spoken, BOLA S5 will apply.

Hence the onus is on the vehicle who is turning.

Thus, please proceed to reject this claim.

Best Regards

**Dhanya**

**Motor & Work Injury Claims Department**  
**India International Insurance Pte Ltd**

64 Cecil Street #04-02 IOB Building

Singapore 049711

Tel: 6347 6100 Fax: 6224 4174

Extn:215

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**From:** Jasper Chua (LKK Auto) <[jasperchua@lkkauto.com](mailto:jasperchua@lkkauto.com)>  
**Sent:** Friday, 18 December 2020 11:42 am  
**To:** Dhanya B.Purushothaman <[Dhanya@iii.com.sg](mailto:Dhanya@iii.com.sg)>  
**Subject:** MCT20100359

Dear Sir/Mdm,

Third party workshop counter for our rejection.

Attached another video from third party, the video indicating that their client bus was turning when light was still green.

Being a more bulky public transport, it may not have the speed of ordinary cars when making the turn.

However, it is clear that our insured driver despite traffic turns green, did not exercise discretionary precaution to look out for vehicle when the rest of the vehicles in line have before he moves.

As such, there are liabilities on our insured driver part as well for making the decision to start moving without taking precaution to look out for vehicles that has not been able to complete the turn.

Since there are liabilities on both party, we propose for 50% liability to settle the claim.

Kindly upload video attached and have your liability approval in merimen.

***"Best Wishes for Merry Christmas & Happy New Year 2021"***

Best Regards,

**Jasper Chua** | Case Handler

**LKK Auto Consultants Pte Ltd**

Phone: 6841-2928 | email: [jasperchua@lkkauto.com](mailto:jasperchua@lkkauto.com) | fax: 6741-4108

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## Jasper Chua (LKK Auto)

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**From:** Jasper Chua (LKK Auto)  
**Sent:** Wednesday, 17 February 2021 1:47 PM  
**To:** thomas@boxfresh.com.sg  
**Cc:** kmeu@boxfresh.com.sg  
**Subject:** TP Claim involving my clients vehicle SBS3501C and SHC3704Y on 20/10/2020 21:40

WITHOUT PREJUDICE

Dear Sir/Mdm,

We refer to the matter above.

We have our principal's instructions to maintain the rejection.

Thanks

**"Kindly note that this negotiation between parties on this matter is purely on a without prejudice basis with the sole intention of resolving the matter amicably without parties resorting to legal proceedings. No admission of liability, whatsoever, should be deemed / inferred from this negotiation of terms/settlement."**

**In the event of new evidence being discovered or subsequently produced by either party that will materially affect/influence on the issues of liability/damages, either party is not bound, thereafter, by the negotiation terms/settlement."**

Best Regards,

**Jasper Chua** | Case Handler

**LKK Auto Consultants Pte Ltd**

Phone: 6841-2928 | email: [jasperchua@lkkauto.com](mailto:jasperchua@lkkauto.com) | fax: 6741-4108

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**From:** thomas@boxfresh.com.sg <thomas@boxfresh.com.sg>  
**Sent:** Wednesday, 17 February 2021 8:31 AM  
**To:** Jasper Chua (LKK Auto) <jasperchua@lkkauto.com>  
**Cc:** kmeu@boxfresh.com.sg  
**Subject:** FW: TP Claim involving my clients vehicle SBS3501C and SHC3704Y on 20/10/2020 21:40

Dear Jasper

Happy Chinese New Year.

As per our last conversation, we are yet to receive any response from you.

Kindly expedite the process and we hope to receive some response from you before deciding next course of action.

Thanks and regards

Thomas Hoo  
Business Development Manager  
Box Fresh Pte Ltd  
HP: 97898644  
Mail : [thomas@boxfresh.com.sg](mailto:thomas@boxfresh.com.sg)

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**From:** [thomas@boxfresh.com.sg](mailto:thomas@boxfresh.com.sg) <[thomas@boxfresh.com.sg](mailto:thomas@boxfresh.com.sg)>  
**Sent:** Friday, January 15, 2021 9:04 AM  
**To:** 'Jasper Chua (LKK Auto)' <[jasperchua@lkkauto.com](mailto:jasperchua@lkkauto.com)>  
**Cc:** [kmeu@boxfresh.com.sg](mailto:kmeu@boxfresh.com.sg)  
**Subject:** FW: TP Claim involving my clients vehicle SBS3501C and SHC3704Y on 20/10/2020 21:40

Dear Jasper

A good day to you.

It has been a month since we received any reply from you.

Will appreciate to receive a reply from you so we can decide next course of action.

Thanks in advance

Regards

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**From:** [thomas@boxfresh.com.sg](mailto:thomas@boxfresh.com.sg) <[thomas@boxfresh.com.sg](mailto:thomas@boxfresh.com.sg)>  
**Sent:** Saturday, December 19, 2020 2:24 PM  
**To:** 'Jasper Chua (LKK Auto)' <[jasperchua@lkkauto.com](mailto:jasperchua@lkkauto.com)>  
**Cc:** 'kmeu@boxfresh.com.sg' <[kmeu@boxfresh.com.sg](mailto:kmeu@boxfresh.com.sg)>; 'Admin A' <[admin-a@lkkauto.com](mailto:admin-a@lkkauto.com)>; 'Wilson Yeoh Wei Sheng' <[wilson.yeoh@go-aheadsingapore.com](mailto:wilson.yeoh@go-aheadsingapore.com)>  
**Subject:** RE: TP Claim involving my clients vehicle SBS3501C and SHC3704Y on 20/10/2020 21:40

Dear Jasper

Below are my research done on this case.

As much as we try to avoid the route of legal pursuit, my client reserves the rights to pursue the case if dealt in an unfair manner leading to an amicable settlement.

- Taxi driver was contributorily negligent.

Law on contributory negligence - Court of Appeal in *Loh Saik Pew* [1974–1976] SLR(R) 703

*"Contributory negligence when set up as a defence does not depend on any duty owed by the injured party to the party sued and all that is necessary to establish such a defence is for the appellant to prove that the respondent did not in his own interest take reasonable care of himself and contributed, by his want of care, to his own injury, (see Nance v British Columbia Electric Railway Co [1951] 2 All ER 448 per Viscount Simon at 450)." at [8].*

Facts:

1. The taxi driver was stationary along the white line when the traffic light facing him was red, and the arrow for the vehicles on the parallel lane was green (even up till the time of the collision, see bus' dashcam).
2. The taxi driver must have known this as he would have observed the four vehicles that made the turn ahead of the bus, along with the three vehicles that made a U-turn.
3. At the time when the Taxi's traffic light had turned green, directly ahead of the taxi were two cars completing the U-turn.
4. The bus was on the right side and in view of the taxi when the traffic light had turned green.
5. The whole of the bus' body within the yellow box when the traffic light turned green.

As such, the taxi driver should have reasonably seen the oncoming bus and waited for the bus to complete its turn before moving off.

- "BOLA 5" should not be strictly applicable on the facts because it assumes the situation where only the vehicle moving off (in this case, the taxi) has the right of way whilst the vehicle completing the turn (the bus) does not.

This is not a case where the bus was beating an amber light therefore it can be distinguished.

- The taxi driver has a duty to adjust his driving for oncoming traffic

Court of Appeal case of *SBS Transit Ltd v Stafford Rosemary Anne Jane (administratrix of the estate of Anthony John Stafford, deceased)* [2007] 2 SLR(R) 211 ("Stafford Rosemary"):

*"However, once there is other traffic on the road, or there are pedestrians or animals at the roadside, or there are obstructions to his view, he must contemplate the possibility that any of these may impinge upon his path and must adjust his speed accordingly to one at which he can effectively stop or otherwise avoid a collision."* at [34].

- The green light does not absolve the taxi driver from liability

*Au Jia Chuan v Chew Choon Keong* [2020] SGM 39:

*"The upshot of these observations made by the Court of Appeal is that green light signals are not the be-all and end-all. They give motorists the right of way, not the right to ignore road hazards. In the face of an impending danger, motorists should take steps to avoid a collision where reasonably practicable. A motor vehicle is a dangerous weapon capable of inflicting untold harm onto other road users. With those dire consequences comes the responsibility to operate the vehicle with reasonable care."* at [32].

- Taxi should have looked out for other oncoming vehicles completing their turn

Court of Appeal in *Loh Saik Pew* [1974–1976] SLR(R) 703 *"We are of the view that although the respondent was entitled to proceed and enter the junction immediately the lights turned green in his favour, he should in his own interest have kept a lookout for vehicles coming from the direction of Aljunied Road in case some vehicle which had properly entered the crossroads might still be passing across. If he had looked to his right when moving off from the stop line he would have seen the appellant's motor van coming and would have been able to take effective steps to avoid a collision. We hold that, in all the circumstances prevailing, the respondent had contributed to this accident."* at [12].

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**From:** Jasper Chua (LKK Auto) <[jasperchua@lkkauto.com](mailto:jasperchua@lkkauto.com)>

**Sent:** Friday, December 18, 2020 4:11 PM

**To:** [thomas@boxfresh.com.sg](mailto:thomas@boxfresh.com.sg)

**Cc:** [kmeu@boxfresh.com.sg](mailto:kmeu@boxfresh.com.sg); Admin A <[admin-a@lkkauto.com](mailto:admin-a@lkkauto.com)>

**Subject:** RE: TP Claim involving my clients vehicle SBS3501C and SHC3704Y on 20/10/2020 21:40

WITHOUT PREJUDICE

Dear Sir/Mdm,

According to our principal, we will settle this case based on BOLA. BOLA 5 will apply in this scenario.

Hence the onus is on the vehicle who is turning.

We will maintain our rejection.

***"Best Wishes for Merry Christmas & Happy New Year 2021"***

Best Regards,

**Jasper Chua** | Case Handler

**LKK Auto Consultants Pte Ltd**

Phone: 6841-2928 | email: [jasperchua@lkkauto.com](mailto:jasperchua@lkkauto.com) | fax: 6741-4108

Blk 51, Paya Ubi Industrial Park, Ubi Avenue 1, #02-25 | S(408933)

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**From:** [thomas@boxfresh.com.sg](mailto:thomas@boxfresh.com.sg) <[thomas@boxfresh.com.sg](mailto:thomas@boxfresh.com.sg)>

**Sent:** Friday, 18 December 2020 8:46 AM

**To:** Jasper Chua (LKK Auto) <[jasperchua@lkkauto.com](mailto:jasperchua@lkkauto.com)>

**Cc:** [kmeu@boxfresh.com.sg](mailto:kmeu@boxfresh.com.sg)

**Subject:** FW: TP Claim involving my clients vehicle SBS3501C and SHC3704Y on 20/10/2020 21:40

Dear Jasper

A good day to you.

May I know if there are any update on this matter ?

Thanks in advance to advise.

Regards

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**From:** [thomas@boxfresh.com.sg](mailto:thomas@boxfresh.com.sg) <[thomas@boxfresh.com.sg](mailto:thomas@boxfresh.com.sg)>

**Sent:** Wednesday, December 9, 2020 9:36 AM

**To:** 'Jasper Chua (LKK Auto)' <[jasperchua@lkkauto.com](mailto:jasperchua@lkkauto.com)>

**Cc:** 'kmeu@boxfresh.com.sg' <[kmeu@boxfresh.com.sg](mailto:kmeu@boxfresh.com.sg)>; 'Admin A' <[admin-a@lkkauto.com](mailto:admin-a@lkkauto.com)>

**Subject:** RE: TP Claim involving my clients vehicle SBS3501C and SHC3704Y on 20/10/2020 21:40

Dear Jasper

As spoken on the phone, I have sent you a separate video indicating that my client bus was turning when light was still green.

Being a more bulky public transport, it may not have the speed of ordinary cars when making the turn.

However, it is clear that your client despite traffic turns green, did not exercise discretionary precaution to look out for vehicle when the rest of the vehicles in line have before he moves.

As such, there are liabilities on his part as well for making the decision to start moving without taking precaution to look out for vehicles that has not been able to complete the turn.

Kindly revert to your principals of our claims and revert soonest.

Thanks for your kind attention on the matters.

Regards

Thomas Hoo  
Business Development Manager  
Box Fresh Pte Ltd  
HP: 97898644  
Mail : [thomas@boxfresh.com.sg](mailto:thomas@boxfresh.com.sg)

---

**From:** Jasper Chua (LKK Auto) <[jasperchua@lkkauto.com](mailto:jasperchua@lkkauto.com)>  
**Sent:** Monday, December 7, 2020 11:36 AM  
**To:** [thomas@boxfresh.com.sg](mailto:thomas@boxfresh.com.sg)  
**Cc:** [kmeu@boxfresh.com.sg](mailto:kmeu@boxfresh.com.sg); Admin A <[admin-a@lkkauto.com](mailto:admin-a@lkkauto.com)>  
**Subject:** TP Claim involving my clients vehicle SBS3501C and SHC3704Y on 20/10/2020 21:40

WITHOUT PREJUDICE

Dear Thomas,

Please be informed that our principal had further reviewed the matter and based on the available information at hand, the liability is in favor of our insured. Based on the video footage provided by our insured driver, the green light is in his favour while your client vehicle should have stop instead of continue turning at the point of time.

Kindly refer to our insured's statement as attached for your reference.

As such, we have our principal's instruction and that we are unable to look into your client's claim.

Thank you.

Please take note of the below:

**"The video footage is confidential information. In possessing, using or viewing the CCTV footage, you do not acquire any rights, title or interest in the CCTV footage and undertake to preserve its confidentiality. By downloading, using or viewing the video, you agree that you will not disclose, provide, reproduce, store, transmit or otherwise make available the CCTV footage, in whole or in part, to your client or any third party. All our rights are hereby reserved."**

**"Kindly note that this negotiation between parties on this matter is purely on a without prejudice basis with the sole intention of resolving the matter amicably without parties resorting to legal proceedings. No admission of liability, whatsoever, should be deemed / inferred from this negotiation of terms/settlement."**

**In the event of new evidence being discovered or subsequently produced by either party that will materially affect/influence on the issues of liability/damages, either party is not bound, thereafter, by the negotiation terms/settlement."**

Best Regards,

**Jasper Chua** | Case Handler

**LKK Auto Consultants Pte Ltd**

Phone: 6841-2928 | email: [jasperchua@lkkauto.com](mailto:jasperchua@lkkauto.com) | fax: 6741-4108

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