

STATEMENT OF CLAIM

1. The Plaintiff was at all material times the owner of motor vehicle bearing registration number SJL 7274Z (hereinafter referred to as “the Plaintiff’s motor vehicle”) which was driven by one, Muhamad Aminurrashid Bin Imran (hereinafter referred to as “Muhamad”).
2. The Defendant was at all material times the rider and owner of motorcycle bearing registration no. FBJ 5105Y (hereinafter referred to as “Defendant’s motorcycle”).
3. On the 8th day of December 2018 at or about 2120 hours, the Plaintiff’s motor vehicle was travelling along Woodlands Avenue 6 (hereinafter referred to as “the said road”) and was making a u turn along the said road suddenly and without warning, the Defendant’s motorcycle which was travelling behind the Plaintiff’s motor vehicle collided into the right side of the Plaintiff’s motor vehicle (the Accident). As a result, the Plaintiff suffered loss and damages.
4. The said collision was caused solely or contributed to by the negligence of the Defendant in the riding, management and control of the Defendant’s motorcycle.

PARTICULARS OF NEGLIGENCE OF THE DEFENDANT

- a. Failing to keep any or any proper look-out for traffic or to have any or any sufficient regard for other vehicles;
- b. Failing to apply his brakes in time or at all so as to avoid the said collision;
- c. Failing to observe the presence of the Plaintiff’s motor vehicle;

- d. Failing to observe basic traffic rules;
 - e. Failing to manage or control of Defendant's motorcycle so as to avoid the said collision;
 - f. Failing to exercise prudence and care in the driving, use and management of the Defendant's motorcycle;
 - g. Failing to have any or any sufficient control over the Defendant's motorcycle;
 - h. Driving at an excessive speed in the circumstances;
 - i. Driving without due care and attention and without due regard for the safety of other road users;
 - j. Failing to keep a safe following distance from the Plaintiff's motor vehicle;
 - k. Colliding into the rear of the Plaintiff's motor vehicle;
 - l. In so far as may be necessary, the Plaintiff will rely upon the doctrine of *res ipsa loquitur*.
5. By reason of the negligence of the Defendant, the Plaintiff has sustained injuries and has endured pain and has been put to loss and expenses.
6. By reason of the matters aforesaid, the Plaintiff has suffered loss and damage.

PARTICULARS OF DAMAGES OF THE PLAINTIFF

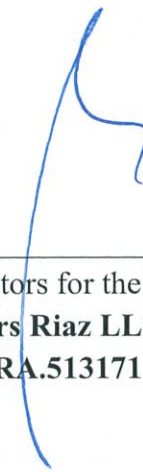
i.	Cost of Repairs	\$ 5,300.00
ii.	Loss of use (8 days x \$120.00)	\$ <u>960.00</u>
	Total:	<u>\$ 6,260.00</u>

7. And the Plaintiff claims:

- a. Damages.
- b. Interest at 5.33% per annum from the date of writ to date of judgment/payment.
- c. Costs.
- d. Such further and other orders as the Court deems fit.

Dated this

22 APR 2019



Solicitors for the Plaintiff
Messrs Riaz LLC
Ref: RA.513171.Q (H)

Pre-action Protocol Checklist

(To be filed with Writ of Summons.)

1. Has the defendant or his insurer acknowledged receipt of the plaintiff's letter of claim?

Ans. Yes/No.

2. Have attempts been made to settle the matter?

Ans. Yes/No.

If no, please give reasons.

3. Is the question of liability agreed?

Ans. Yes/No.

4. Is the question of quantum agreed?

Ans. Yes/No.

5. Has the defendant indicated that he has a counterclaim?

Ans. Yes/No.

6. The following documents/information have been exchanged between the plaintiff and the defendant (please tick accordingly):

Motor vehicle accident cases

- ☒ GIA reports and type-written transcripts of all persons involved in the accident, including a sketch plan
- ☐ Police Reports
- ☒ ~~Police sketch plan~~ and if unavailable, the claimant's sketch of the accident
- ☐ Results of police investigations or outcome of prosecution for traffic Offence
- ☐ Police vehicle damage reports
- ☒ Original, coloured copies or scanned photographs of damage to all vehicles
- ☐ Original, coloured copies or scanned photographs of the accident scene
- ☐ Medical reports and specialist reports
- ☐ Certificates for hospitalisation and medical leave
- ☐ Bills for medical treatment and evidence of payment

- ☐ Income tax notices of assessment and/or other evidence of income and loss thereof
- ☐ Supporting documents for all other expenses claimed (if any).

Industrial workplace accident cases

- ☐ The plaintiff's sketch of the accident
- ☐ Ministry of Manpower investigation reports.
- ☐ Notice of Assessment from the Occupational Safety and Health Division, Ministry of Manpower (if any).
- ☐ Original, coloured copies or scanned photographs of the accident scene.
- ☐ Medical reports and specialist reports.
- ☐ Certificates for hospitalisation and medical leave.
- ☐ Bills for medical treatment and evidence of payment.
- ☐ Income tax notices of assessment and/or other evidence of income and loss thereof.
- ☐ Supporting documents for all other expenses claimed (if any).

For personal injury claims not involving motor vehicles and industrial accidents

- ☐ The claimant's sketch of the accident
- ☐ Original, coloured copies or scanned photographs of the accident scene
- ☐ Medical reports and specialist reports
- ☐ Certificates for hospitalisation and medical leave
- ☐ Bills for medical treatment and evidence of payment
- ☐ Income tax notices of assessment and/or other evidence of income and loss thereof
- ☐ Supporting documents for all other expenses claimed (if any).

Where claim includes property damage arising from a motor vehicle accident

- ☒ Repairer's bill and evidence of payment
 - ☒ Surveyor's report
 - ☐ Excess bill or receipt
 - ☐ Vehicle registration card
 - ☐ COE/PARF certificates
 - ☐ Rental agreement, invoice and receipt for rental of alternative vehicle (if any)
 - ☐ Supporting documents for all other expenses claimed (if any).
- Remarks (if any)
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This question is only in respect of motor vehicle accident cases:

- 7 Did the accident involve a chain collision or more than 2 vehicles?
Ans. Yes ☒ No.
- 8 Has the defendant indicated that he intends to bring in a third party?
Ans. Yes ☒ No.
- 9 If yes, has the third party indicated that he intends to bring in a fourth party?
Ans. Yes ☒ No.
- 10 Were there any other parties involved in the accident?
Ans. Yes ☒ No.

If yes, please provide details.
