

Accident victim who rejected \$250k settlement wins \$720k

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Motorcyclist had multiple leg injuries from 2006 crash that led to job loss

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A TRAFFIC accident victim who rejected an insurer's offer to settle the case for \$250,000 went on to get some \$720,000 in a rare case in the State Court.

Motorcyclist Koh Lye Soon suffered multiple injuries on the right leg in a December 2006 collision that led to job loss and a seven-year tussle to settle the case.

Sums for accident awards exceeding \$250,000 are usually referred to the High Court but are allowed to continue in the State Court with the consent of both parties in the civil case.

Mr Koh, 50, a truck driver, was riding along Bukit Batok East Avenue 5 on Dec 11, 2006, when a car in the opposite direction turning right into a carpark collided into his motorcycle.

The major injury on his right foot involved open fracture dislocations, exposed damaged bones and tendons, and required him to undergo surgery 16 times, including foot reconstruction and muscle and skin flaps grafted from his thigh.

It left him with a permanent limp, recurring bouts of pain affecting his sex life and job loss as a truck driver.

The damages awarded for pain and suffering are understood to be among the highest reported for foot injury, amounting to \$57,000 for the foot and another \$27,000 for other injuries.

Car driver Jang Suan Yoong accepted 90 per cent liability for the accident, and vehicle insurer NTUC Income initially offered a settlement of \$250,000, which was rejected by Mr Koh.

The case then went to court, where a court registrar assessed the sums payable for general and special damages at some \$549,000 in 2012.

On appeal, District Judge Tan May Tee earlier this month edged the sum upwards to \$682,723, with another \$40,000 expected in interest.

The district judge increased the multiplier - the projected number of years for future costs and losses - from six years to nine years.

The bulk of the award was for Mr Koh's loss of future earnings and future treatment expenses.

The award will be handed to the Public Trustee, who in turn will reimburse his lawyers from Lee Shergill LLP for \$10,800 as legal fees.

Under the Public Trustee guidelines, the sum payable by the client to his lawyer in such cases is capped at 15 per cent of the costs ordered by the court to be paid to the lawyer by the losing side, which was set at \$72,000 in this case.

"The case dispels the myth that legal fees are prohibitive or that lawyers take a large chunk of the damages from their clients," said lawyer Raj Singh Shergill, who acted for Mr Koh.

"The pain persists and I am no longer able to do things I like to do, like jogging. The money can help lessen the burden," said Mr Koh. Now only able to be a cleaner earning less than \$1,000 a month, he said the accident was the "lowest point" in his life.

The insurer said yesterday that "NTUC Income is committed to fair claims settlement that is reasonable and adequate to all parties".

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