

LTA, SMRT breached duty of care: Defendant

Thai girl who lost her legs after falling onto MRT track takes the stand to seek compensation

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SINGAPORE – As the train approached Ang Mo Kio MRT Station on a Sunday morning in April last year, a large group of passengers quickly gathered behind her, before they surged to the edge of the platform, shoving others who were waiting behind the yellow safety line.

Regaining consciousness after losing her balance, she found herself lying on the tracks looking at the approaching train. Coming to once more, she realised that the train had run over her legs.

This was the testimony of Thai teenager Nitcharee Peneakchanasak, who lost her legs after the incident, as she took to the witness stand yesterday during the first day of her civil suit against train operator SMRT and the Land Transport Authority at the High Court.

However, under cross-examination by lawyer K Anparasan — who is representing both defendants — Nitcharee, who was 14 during the incident,



Nitcharee being wheeled out of the Supreme Court yesterday. PHOTO DON WONG

agreed there was “no assertion or suggestion that there was contact” which resulted in the incident.

Nitcharee’s father had filed a S\$3.4-million suit against SMRT on her behalf in June last year, to pay for the 20 pairs of prosthetic legs she will need over her lifetime. The LTA was later added as another defendant.

The 16-year-old’s case is that, despite standing behind the yellow line, the defendants took inadequate measures to prevent injuries she sustained when she fell over and onto the tracks, breaching the duty of care on

their premises.

Among the issues to be determined by her lawyer, Mr Cosmas Gomez, is whether Nitcharee was standing behind the yellow line, whether it was drawn in a safe position and whether the installation of barriers then could have prevented her injuries.

The defendants “were fully aware of the numerous people who had accidentally fallen onto the tracks over the years and they ought to have taken reasonable care to prevent such accidents from happening”, Mr Gomez argued in his opening statement.

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THE PAIRS OF PROSTHETIC LEGS NITCHAREE WILL NEED OVER HER LIFETIME

The defence’s case is that Nitcharee fell onto the tracks on her own accord, and that the distance between the edge of the platform to the end of the yellow safety line was sufficient for safety purposes, among other things.

During the two hours on the witness stand yesterday, Nitcharee appeared generally composed and spoke calmly through an interpreter. The only moment when she appeared visibly nervous was when Mr Anparasan sought to show the courtroom CCTV footage of her taking the escalator up the MRT station. Nitcharee objected to viewing the video, which led Judicial Commissioner Vinodh Coomaraswamy to ask Mr Anparasan to switch off the projector.

Mr Anparasan also pointed to a medical report from Tan Tock Seng Hospital — which stated that she had apparently felt giddy and accidentally fell onto the tracks — and various newspaper reports which said that she fell after feeling faint and dizzy. Nitcharee, however, testified that the media reports were inaccurate and that she has no history of fainting.

The trial continues today with the Plaintiff’s expert witness — Dr Natarajan Krishnamurthy, a consultant in safety, structures and computer applications — expected to take the stand.