

Insurer ordered to pay accident victim

Man paralysed in road accident

- By Bassam Za'za', Senior Reporter
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Dubai: The Dubai Civil Court has ordered an insurance company to pay at least Dh600,000 in damages to an Indian man who sustained a severe skull fracture and was paralysed when he was run over by a pickup truck which the firm had insured.

"As per article 1026 of the Civil Transactions Law, an insurance company is legally responsible to compensate any victim who is injured in a traffic accident caused by a car insured by that company. Hence the defendant is liable to compensate [the victim identified as] W.N."

A five per cent legal interest will be added to the penalty for emotional, financial and moral damages, the court's verdict said.

The victim originally filed a Dh2 million claim, according to Karunagappally Shamsudeen, of Al Kabban Associates Advocates and Legal Consultants, who served as the counsel for the plaintiff.

"My client was crossing the road in the Al Muhaisna 2 area when a pickup truck [driven by] A.K., knocked him down. My client, W.N., was rushed to the hospital. Medical reports confirmed that he was brought in unconscious. He was immediately put on ventilation and a CT scan of [his] brain showed skull-based fracture... X-ray also showed a left humerus fracture. Following several operations and medications, W.N. ended up wheelchair-bound and cannot comprehend his surroundings properly," Shamsudeen said in his petition.

The Dubai Traffic Court convicted the driver of reckless driving and causing injuries to the victim. The driver was fined Dh6,000. His driving licence was confiscated and suspended for three months. After the promulgation of the criminal case, the victim's lawyer filed a civil lawsuit against the vehicle's insurer.

"My client suffered brain paralysis and became bound to a wheelchair for the rest of his life. He cannot carry out his personal matters alone. He cannot use the toilet on his own and requires permanent assistance. He also paid too much money for his treatment and medication," the petition said.