#### DCPI 29/2011

### IN THE DISTRICT COURT OF THE

### HONG KONG SPECIAL ADMINISTRATIVE REGION

## PERSONAL INJURIES ACTION NO. 29 OF 2011

BETWEEN

FAZAL AHMED Plaintiff

and

MTR CORPORATION LIMITED Defendant

##### Before: His Hon Judge Leung in Chambers (open to public)

Date of Hearing and Decision: 12 July 2012

## D E C I S I O N

1. The plaintiff (“**Ahmed**”) claimed damages against the defendant (“**MTR**”) for injuries sustained as a result of a slip and fall accident along a staircase at the Tsimshatsui MTR Station in the course of his duty as a security guard. After trial, I handed down judgment on 25 April 2012 (“**the Judgment**”). I dismissed the claim with costs to MTR.
2. By summons filed on 26 June 2012, Ahmed applies for leave to appeal against the Judgment. He remains unrepresented.
3. According to section 63A(2), leave to appeal shall not be given unless the intended appeal has a reasonable prospect of success or in the interest of justice should be heard by the appellate court.
4. To begin with, the application was taken out outside statutory time limit. But Mr Sakhrani does not take issue in that regard.
5. Then in his affirmation in support, Ahmed basically repeats his allegation that MTR was negligent in failing to clean and to clear the staircase of the substance that caused him to slip. He still questions the failure of MTR to disclose the CCTV recording that allegedly proves his case or disproves that of MTR. In my view, repetition of these contentions already considered in the Judgment does not afford Ahmed with any reasonable ground for appeal.
6. In court, Ahmed repeats that MTR has to be responsible for the reason that the accident happened in its premises and that it was entirely its fault in allowing the accident to happen to him. This is again oversimplification of the consideration of the circumstances of the case, apparently without regard to the reasonable standard of care on the part of MTR and his own duty to keep a proper lookout.
7. Further the assertions in the affirmation that he becomes disabled for the rest of his life; and that he suffers from mental distress are not only new but also tend to reinforce the scepticism expressed in the Judgment about his reliability in the allegation about his disability.
8. The intended appeal has no reasonable prospect of success. Nor does it fall under the alternative limb under section 63A(2). The application for leave to appeal is dismissed with costs to MTR. Costs shall be taxed, if not agreed, with certificate for counsel.

# (Simon Leung)

# District Judge

The plaintiff, in person, present

Mr Ashok Sakhrani instructed by Messrs Deacons for the defendant