IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2026] SGHC 19

Originating Application No 616 of 2025

Between

Landscape Engineering Pte Ltd

… *Claimant*

And

(1) Dot Safety Solutions Pte Ltd
(2) Kumarandy Alaguraj

… *Respondents*

JUDGMENT

[Courts and Jurisdiction — Vexatious litigants]
[Civil Procedure — Costs — Principles]

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v
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Introduction

1 In HC/OA 616/2025 ("OC 616"), Landscape Engineering Pte Ltd ("Landscape") applied under s 73C of the Supreme Court of Judicature Act ("SCJA") for an extended civil restraint order ("ECRO") against Dot Safety Solutions Pte Ltd ("Dot") and Mr Kumarandy Alaguraj ("Mr Alaguraj"). The latter is the sole shareholder and director of Dot. I granted the ECRO against Dot. These are my grounds of decision.

Background

2 Landscape leased a property (the "Premises") to Dot from 2022 to 2023. Landscape brought DC/OC 1760/2023 ("OC 1760"), claiming that Dot refused

to pay rent for March 2023 to June 2023 and failed to deliver up possession of the Premises on expiry of the lease.[1]

3 Landscape obtained summary judgment in its favour ("Summary Judgment"). The terms of the judgment include the following: (a) Dot shall deliver possession of the Premises; (b) Dot shall pay Landscape $17,080 in unpaid rent from 1 March 2023 to 30 June 2023; (c) Dot shall pay Landscape double rent of $8,640 per month from 1 July 2023 to 30 June 2024 and double rent of $8,640 per month from 1 July 2024 to 17 July 2024.[2]

4 After Landscape obtained the Summary Judgment, Dot commenced a series of appeals and applications relating to OC 1760. This led Landscape to its application in OA 616 for a ECRO against both Dot and Mr Alaguraj.

Applicable Law

5 Section 73C(1) SCJA provides:

> 73C.—(1) A court may, if satisfied that a party has persistently commenced actions or made applications that are totally without merit, make an extended civil restraint order against the party.

6 Under this provision, two elements must be established before the court may grant an ECRO:

(a) that the respondent "has persistently commenced actions or made applications"; and

(b) such actions or applications were "totally without merit".

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[1] Claimant's Affidavit at [5]–[6].

[2] Claimant's Affidavit at [12],[16]; Claimant's Affidavit, Tab 5.

Whether applications were "totally without merit"

7 I considered first whether the applications relied on by Landscape were "totally without merit".

8 In *Joseph Clement Louis Arokaisamy v Singapore Airlines Ltd* [2020] 5 SLR 869 ("*Arokaisamy*"), applications were considered to be "totally without merit" where the applications were barred by *res judicata*, wholly misconceived, time-barred, or based on statutory provisions that are plainly inapplicable: at [10]-[32]. In *The National University of Singapore v Ten Leu Jiun Jeanne-Marie* [2023] SGHC 191 ("*Jeanne-Marie*"), the court considered that this threshold can also be satisfied where the court hearing the prior action or application so considered the matter to be "totally without merit". This could be expressed in its *dicta* or apparent from its reasoning and decision: at [57]. In *Loke Wei Sue v Paul Jeyasingham Edwards* [2024] SGHC 45, the court held that the approach in *Arokaisamy* and *Jeanne-Marie* is consistent with the manner in which our courts have exercised its inherent power to grant civil restraint orders prior to the enactment of s 73C of the SCJA: at [39].

9 Landscape initially submitted that Dot made eight applications which were "totally without merit".

RA 39

10 The series of eight applications began with Dot bringing DC/RA 39/2024 ("RA 39"). This was an appeal against the Summary Judgment. In dismissing the appeal in RA 39, the District Judge held that the defendant's defence was based on bare assertions which were not credible and were

contradicted by contemporaneous evidence.[3] However, the District Judge disagreed with one aspect of the Deputy Registrar's decision, in relation to double rent. The District Judge ordered that double rent of $8,640 commence from 7 October 2023 onwards, instead of 1 July 2023 as ordered in the court below.[4] Given that the District Judge varied the Deputy Registrar's decision in relation to double rent, in my view, it cannot be said that RA 39 was "totally without merit".

SUM 1375 and SUM 1387

11 Dot then filed DC/SUM 1375/2024 ("SUM 1375"). This was a summons to stay enforcement pending appeal against the Summary Judgment. Leave to withdraw was granted by the Deputy Registrar on 23 August 2024, as this was a duplicate summons with DC/SUM 1387/2024 ("SUM 1387"). At the hearing, Landscape took the position that as this was withdrawn, it would not rely on it for the purposes of s 73C of the SCJA.

12 SUM 1387 was dismissed. The Deputy Registrar noted:

> 4. All the defendant asserts is that it has valuable items on the premises, and without a stay pending the appeal, the claimant will proceed to execute on the judgment and remove and dispose its valuable items.
>
> 5. The claimant is however entitled to do so under the terms of the judgment which the defendant has not satisfied … The defendant has not shown why without a stay the appeal would be rendered nugatory. It has not asserted that there is no reasonable probability of the defendant recovering the items (or their proceeds) from the claimant in the event it succeeds in its appeal.[5]

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[3] DC/RA 39/2024, Oral Grounds of Decision dated 28 February 2025 at [12]–[16].

[4] DC/RA 39/2024, Oral Grounds of Decision dated 28 February 2025 at [18]–[19].

[5] DC/SUM 1387/2024, Notes of Evidence dated 24 September 2025 at [4]–[5].

13 I was of the view that SUM 1387 was "totally without merit". In an application for stay of enforcement, it is for the defendant seeking the stay to show that there are special circumstances justifying the stay. The defendant did not provide any justification relating to special circumstances. Instead, what was relied on, was an undesired outcome that flowed from the judgment.

SUM 2018 and RA 61

14 Dot next brought DC/SUM 2018/2024 ("SUM 2018") to compel mediation. It would be helpful to set out more fully the views of the Deputy Registrar in dismissing SUM 2018:

> 1. As a matter of principle, it would be counter to the entire spirit of mediation if parties are *forced* to engage in it.
>
> 2. As a matter of practicality, the mediation if ordered will be of doubtful utility. Even if parties are brought to the table, parties would presumably not be there willingly.
>
> 3. As a matter of case management, I agree with the Claimant's counsel that the procedural history suggests the Defendant is a somewhat delinquent character. Mediation might be another opportunity for proceedings to be protracted unnecessarily. The Statement of Claim was filed about a year ago. But since then, the case file has ballooned with numerous interlocutory applications, many of which are applications that the Defendant has lost. Having read the minute sheets, they suggest to me that that the Defendant is highly litigious and prone to bringing unmeritorious allegations. I am concerned that the mediation will provide another platform for that.
>
> 4. As a matter of judicial propriety, I note that there is nothing to mediate in some sense because summary judgment has already been granted against the Defendant. There is a hearing for the restoration of RA 39 on 4 December 2024, but as it stands, the Claimant's entitlements (per SUM 881) ought to be recognised. Forcing parties to mediate would effectively mean unwinding SUM 881 and the parties' legal entitlements/obligations flowing therefrom.[6]

[6] DC/SUM 2018/2024, Notes of Evidence dated 29 November 2024 at [1]–[3].

15 There was nothing to mediate as Summary Judgment had already been granted against Dot. I agreed with the assessment set out above and found that SUM 2018 was "totally without merit".

16 Dot then brought RA 61/2024 ("RA 61"), which is an appeal against the dismissal of SUM 2018 (to compel mediation). The District Judge held in his grounds:

> 5 … summary judgment has already been granted … The appeal against that decision was dismissed on 28 February 2025. There is effectively nothing for parties to mediate.
>
> 6 Second … unwilling parties should not be ordered to participate in mediation. The claimant has made it clear and in no uncertain terms that it is not prepared to mediate the dispute.
>
> 7 Third, … this dispute has been long delayed. I counted at least 13 interlocutory applications since the action was filed in November 2023. Many of these are applications that the defendant has lost …
>
> 8 Fourth, I agree with the DR that the defendant appears highly litigious and prone to bringing unmeritorious allegations.[7]

17 I agreed with the assessment of the District Judge as set out above and found that RA 61 was "totally without merit". Notably, the District Judge also observed that he agreed with the Deputy Registrar hearing SUM 2018 that Dot appeared "highly litigious and prone to bringing unmeritorious applications".

SUM 587

18 Dot next brought DC/SUM 587/2025 ("SUM 587"), to restore SUM 1387, which was the earlier summons to stay enforcement pending appeal

[7] DC/RA 61/2024, Notes of Evidence dated 7 April 2025 at [5]–[7].

against the summary judgment. In dismissing SUM 587, the Deputy Registrar held:

- This [application] is erroneous. To begin, SUM 1387 was already heard and dealt with on the merits. The procedure under O 18 r 9(3) of the ROC is meant to restore an appeal that has been dismissed when the appellant or his solicitor fails to attend an appeal. SUM 1387 was not an appeal and hence O 18 is not the correct procedure. The present application, SUM 587, must therefore be dismissed on this basis.

- I should further observe that what the Defendant seeks in reality is to set aside DR Sim's decision to dismiss SUM 1387 and for SUM 1387 to be determined afresh because it was determined in his absence. However, SUM 1387 is now redundant ...

- ... RA 39 has since been dismissed ... Accordingly, even if the present application is an application to set aside DR Sim's decision to dismiss SUM 1387, I would not have exercised my discretion as doing so would be an exercise in futility.[8]

19 I agreed with the assessment of the Deputy Registrar. SUM 587 was wholly misconceived on multiple grounds. I was satisfied that it was "totally without merit".

SUM 610

20 Dot next filed DC/SUM 610/2025 ("SUM 610"), for an extension of time to appeal the dismissal of SUM 1387. In dismissing SUM 610, the District Judge observed that it had been almost ten months since the dismissal of the stay application. The District Judge did not see any good reason for the long delay in filing the application. This is particularly pertinent as not only had RA 39 been heard and dismissed, but enforcement proceedings had also taken place. In addition, the District Judge found that there was absolutely no basis for any

[8] DC/SUM 587/2025, Notes of Evidence dated 2 May 2025, Judgment.

stay of enforcement proceedings and that there was "thus plainly no merit in an appeal against the dismissal of stay application and any appeal is doomed to fail".[9]

21 I agreed with the assessment of the District Judge and found that SUM610 was "totally without merit".

RA 25

22 Dot next filed RA 25/2025 ("RA 25") on 9 May 2025, to appeal the dismissal of SUM 587. This has been stayed pending determination of OA 616. As this has not been heard, I did not consider if this was "totally without merit".

Whether Dot persistently commenced actions or made applications which were "totally without merit"

23 I next examined if Dot "persistently commenced actions or made applications" which were totally without merit.

24 The court in *Arokaisamy* found the four unmeritorious proceedings therein to have satisfied this statutory requirement, while the court in *Jeanne-Marie* found the five unmeritorious proceedings therein sufficient in meeting this requirement.

25 From the above analysis, Dot made five such unmeritorious applications, namely SUM 1387, SUM 2018, RA 61, SUM 587 and SUM 610, in relation to its dissatisfaction with the Summary Judgment in OC 1760. I found that in so doing, Dot "persistently commenced actions or made applications" which were "totally without merit", for the purposes of s 73C of the SCJA.

[9] DC/SUM 610, Notes of Evidence dated 7 July 2025 at [9]–[10].

Grant of ECRO against Dot

26 I therefore granted Prayer 1 of OA 616. I ordered an ECRO against Dot as *per* s 73C(2) of the SCJA, in relation to OC 1760. I agreed with Landscape that this should be for a period of two years. Pursuant to the ECRO, Dot is restrained from commencing any action or making any application, in any court or subordinate court, concerning any matter involving, relating to, touching upon or leading to OC 1760, or any enforcement proceedings arising therefrom, without the permission of this court, for a period of two years.

27 Landscape initially also sought an ECRO on the same terms against Mr Alaguraj, who is the sole shareholder and sole director of Dot. This was withdrawn at the hearing. I note in any event, that Mr Alaguraj had merely obtained the leave of court to represent Dot. Mr Alaguraj himself has not made any applications in his personal capacity in relation to the Summary Judgment or the OC 1760 related applications. Nor did Landscape set out how he might have done so. It was not clear what the basis for an ECRO against Mr Alaguraj would have been, even if Landscape had proceeded on Prayer 2.

28 Landscape initially also prayed for all ongoing proceedings brought by Dot or Mr Alaguraj in OC 1760 and all related enforcement proceedings to be stayed and/or discontinued ("Prayer 3"). This was withdrawn at the hearing.

Costs against Mr Alaguraj

29 Landscape also prayed that Mr Alaguraj be personally liable to pay Landscape the costs awarded against Dot in OC 1760 and its related applications ("Prayer 4").

30 Order 2 rule 13(2) of the Rules of Court 2021 ("ROC 2021") states that "The Court which heard a matter must fix the costs of the matter, unless the Court thinks fit to direct an assessment of the costs". This is also reiterated under O 21 r 2(3) of the ROC 2021. There are two prescribed situations in ROC 2021 where the General Division may decide on costs orders in the District Court: (a) Order 21 rule 2(7) of the ROC 2021, which permits an appellate court to decide on costs in a lower court on appeal, and (b) Order 21 rule 2(8) of the ROC 2021, which permits the General Division to decide on costs of the proceedings before the proceedings were transferred from the District Court to the General Division. The present case does not fall under either of the prescribed situations.

31 When these provisions were brought to the attention of counsel for Landscape, he accepted that the appropriate forum to pursue Prayer 4 was in the State Courts.

32 In view of the above, I made no order on Prayer 4 and left it open for Landscape to pursue this at the appropriate forum.

Conclusion

33 In conclusion, I granted Prayer 1 but made no orders on Prayers 2 – 4 of OA 616.

34 Landscape sought costs for OA 616 against both Dot and Mr Alaguraj. I did not consider it appropriate to make a personal costs order against Mr Alaguraj for the following reasons: (a) Dot was the defendant in OA 616. It was not the party bringing the action against Landscape; (b) Landscape had liberty to pursue its claim for personal costs against Mr Alaguraj for the earlier applications in the State Courts, and would have to establish its claim for personal costs there; (c) Mr Alaguraj was acting in OA 616 as the company

representative; and (d) Landscape withdrew its claim in OA 616 against Mr Alaguraj. As noted above at [27], it is doubtful that Landscape would have succeeded even if it proceeded against him. I awarded costs against Dot, in the sum of $8,000 all-in.

Kwek Mean Luck
Judge of the High Court

Lim Muhammad Syafiq and Yap Wei Xuan Mendel (RHTLaw Asia LLP) for the claimant;
The first and second respondents in person.