

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

[2025] SGHC 138

Originating Claim No 993 of 2024 (Registrar's Appeal No 84 of 2025)

Between

- (1) Hertel Singapore Pte Ltd
(n.k.a. Altrad Services
Singapore Pte Ltd)
- (2) Kok Chang Scaffolding Pte
Ltd

... Claimants

And

- (1) Cheng Swee Guan
- (2) Lorenzo Wang Lianzhong
- (3) Neo Cheng Soon
- (4) Ang Thian Lai
- (5) Ang Tian Beng
- (6) Kee Seow Chua, in his
capacity as the sole proprietor
of Seow Chuan Engineering
- (7) Lim Zi Xiang, in his capacity
as a partner of SHC
Engineering and Trading

... Defendants

GROUNDS OF DECISION

[Civil Procedure — Rules of court — Leave to file application other than in single application pending trial — O 9 rr 9(8) and 9(9) of the Rules of Court 2021]

TABLE OF CONTENTS

INTRODUCTION.....	1
BACKGROUND	2
THE CLAIMANTS’ CASE ON APPEAL.....	4
WHETHER THE CLAIMANTS WERE ENTITLED TO BE HEARD	4
THE APPEAL WAS BY WAY OF A REHEARING.....	8
THE REQUEST FOR PERMISSION SHOULD BE ALLOWED ON ITS MERITS.....	9
CONCLUSION.....	11

This judgment is subject to final editorial corrections approved by the court and/or redaction pursuant to the publisher's duty in compliance with the law, for publication in LawNet and/or the Singapore Law Reports.

**Hertel Singapore Pte Ltd (now known as Altrad Services
Singapore Pte Ltd) and another
v
Cheng Swee Guan and others**

[2025] SGHC 138

General Division of the High Court — Originating Claim No 993 of 2024
(Registrar's Appeal No 84 of 2025)
Chua Lee Ming J
8 July 2025

18 July 2025

Chua Lee Ming J:

Introduction

1 This was an appeal by the claimants, Hertel Singapore Pte Ltd (now known as Altrad Services Singapore Pte Ltd) and Kok Chang Scaffolding Pte Ltd, against the Assistant Registrar's decision granting permission to the second defendant, Lorenzo Wang Lianzhong, to file an application for further and better particulars ("FBP") of the Statement of Claim before the single application pending trial ("SAPT") was made.

2 This appeal raised questions as to the procedure in making a request for permission under O 9 r 9(8) of the Rules of Court 2021 ("ROC 2021") and the court's powers under O 9 r 9(9) when dealing with such requests.

Background

3 At all material times, the first and second defendants were employed by the first claimant and were two of three authorised signatories who were authorised to approve payment releases, claims and all financial matters. Two signatories were required to sign off on payments by the first claimant to vendors.

4 The claimants claimed (among other things) that the first and second defendants devised the following fraudulent scheme:

- (a) False quotations issued in the names of third-party vendors were created and submitted to the first claimant.
- (b) The first and second defendants then caused the respective claimants to issue purchase orders in respect of the false quotations.
- (c) Pursuant to the purchase orders, false invoices were issued in the names of the third-party vendors and submitted to the first claimant for payment even though no goods or services were supplied by the third-party vendors.
- (d) Pursuant to the first and second defendants' approvals and/or instructions, the first claimant made payment on the false invoices.

5 On 2 April 2025, the second defendant's solicitors, TSMP Law Corporation ("TSMP") made a request for permission to file an application (before the SAPT) for FBP of the claimants' Statement of Claim, in particular, FBP of the underlying transaction documents that the claimants pleaded were fictitious. The reasons given for the request included the following:

(a) Without the documents being identified, the second defendant could not address basic case matters such as whether expert evidence would be necessary.

(b) FBP before SAPT were required as the second defendant would need these particulars to determine the scope of discovery, the preparation of his affidavit of evidence-in-chief (“AEIC”) (in the event an order was made for AEICs before discovery), and the witnesses to be called at trial.

6 On 3 April 2025, the court informed TSMP that the second defendant’s request for permission was allowed.

7 On the same day (3 April 2025) the claimants’ solicitors, ADTLaw LLC (“ADTLaw”), wrote to inform the court that they were taking the claimants’ instructions and requested leave to submit the claimants’ response by 11 April 2025. It was not clear whether the letter from ADTLaw was received by the court before or after the court’s reply to the second defendant’s request for permission.

8 Later in the day, on 3 April 2025, the court replied to ADTLaw’s letter, stating that the claimants were “not in any position to respond to the 2nd Defendant’s Request for Permission to file application” and that in any event, the request had been “dealt with”.

9 On 17 April 2025, the claimants filed the present appeal against the AR’s decision to allow the second defendant’s request for permission.

The claimants' case on appeal

10 The claimants submitted that:

(a) The AR's decision to grant the permission requested by the second defendant could not stand because the claimants were not provided with an opportunity to be heard in respect of the second defendant's request for permission.

(b) In any event, the AR's decision allowing the request for permission should be set aside because the second defendant's intended application was not necessary at that stage of the proceedings.

Whether the claimants were entitled to be heard

11 Order 9 r 9(2) of the ROC 2021 provides that as far as possible, the court must order an SAPT to be made by each of the parties.

12 Order 9 r 9(3) states that the SAPT must deal with all matters that are necessary for the case to proceed expeditiously. These matters include those set out in O 9 r 9(4), which include FBP of pleadings. Directions as to the filing of the SAPTs are given at a case conference. As a general rule, the case conference is conducted by the registrar, but the registrar may refer any matter at any time to the assigned judge in that action, or, if there is none, to any judge: O 9 r 1(4) of the ROC 2021.

13 Order 9 r 9(7) provides that no application may be taken out by any party at any time other than as directed at the case conference (*ie*, in an SAPT) or with the court's approval, except for certain applications set out in the rule. An application for FBP does not fall within the exceptions. Consequently, an

application for FBP cannot be taken out on its own (instead of in an SAPT) unless directed by the court or with the court’s approval.

14 Order 9 r 9(8) provides that the court’s approval must be sought by letter setting out the essence of the intended application and the reasons why it is necessary at that stage of the proceedings.

15 Order 9 r 9(9) provides that the court may deal with the request by letter “summarily” or fix a case conference to deal with the matter.

16 In its written submissions, the second defendant submitted that there is no right of reply to a request for permission to take out an application before or after the SAPT. The second defendant’s reason was that the ROC 2021 does not provide for a right of reply and that such a request does not involve the adjudication of substantive rights. In the course of the hearing before me, the second defendant withdrew this submission.

17 In any event, I disagreed with the second defendant’s submission. The right to be heard is a rule of natural justice. A litigant before the court is entitled to be heard before an order that is adverse to his interest is made against him. Order 9 r 9(9) gives the court the power to deal with a request for permission summarily instead of holding an oral hearing at a case conference. However, the court must still observe the rules of natural justice.

18 It was also not correct that the AR’s decision on the request for permission did not involve the adjudication of substantive rights. A decision on the request for permission is not a decision on the merits of the intended application. However, in deciding on the request for permission, the court is exercising a judicial function in deciding whether the requesting party can take

out an application other than in an SAPT. The requesting party must satisfy the court that the intended application is necessary at that stage of the proceedings (see O 9 r 9(8)).

19 The word “summarily” is usually used to describe the court’s power to decide a matter without going to trial. In the Rules of Court (2014 Rev Ed) (“ROC 2014”), the word “summarily” was used in the following rules:

(a) O 17 r 5(2), which provided that the court may, under the specific circumstances set out in that rule, summarily determine the question at issue between conflicting claimants in interpleader proceedings. Otherwise, issues between conflicting claimants were to be tried (see O 17 r 5(1)).

(b) O 49 r 5, which provided that where a garnishee disputed liability to pay the debt due or claimed to be due from him to the judgment debtor, the court may summarily determine the question at issue or order any question necessary for determining the garnishee’s liability to be tried.

(c) O 49 r 6(2), which provided, also in the context of garnishee proceedings, that the court may summarily determine questions at issue between claimants to the debt sought to be attached or make such order as it thinks just, including an order that any question or issue necessary for determining the validity of the claims be tried.

20 In the ROC 2021, the word “summarily” is used in O 13 r 10(5) which provides that the court may decide conflicting claims to property (in what used to be referred to as interpleader proceedings under ROC 2014) summarily or give directions regarding the hearing of the conflicting claims.

21 Courts have also used the word “summarily” to describe the court’s power to enter judgment without a trial, *eg*, the court’s power to enter summary judgment (*Mak-Levrion Kah Kay Natasha (alias Mai Jiaqi Natasha) v R Shiamala* [2024] 4 SLR 616 at [15]), and the court’s power to enter judgment on admissions of fact (*PNG Sustainable Development Program Ltd v Rex Lam Paki and others* [2022] SGHC 188 at [25]).

22 O 9 r 9 (9) provides that the court may deal with a request by letter (for permission to file applications other than in an SAPT) summarily or fix a case conference to deal with the matter.

23 In my view, the use of the word “summarily” in O 9 r 9(9) ROC 2021 means that the court may deal with the request for permission without an oral hearing at a case conference. However, as stated earlier, in dealing with the request for permission, the court must observe the rules of natural justice. Therefore, under O 9 r 9(9):

(a) If the court is *not* satisfied that, based on the reason(s) given by the requesting party, it is necessary to make the intended application at that stage of the proceedings, it may decide the matter summarily and reject the request outright, without hearing the opposing party. A decision rejecting the request for permission is not adverse to the opposing party; it is therefore not necessary that the opposing party be heard before the decision is made.

(b) The court cannot allow the request for permission without giving the opposing party an opportunity to be heard. The opposing party may be heard by way of letter or (if the court thinks it appropriate) at an oral hearing at a case conference.

- (c) Where the opposing party is heard by way of letter, the court may decide the request summarily or (if the court thinks it appropriate) fix it for an oral hearing at a case conference.

24 In my view, in the present case, the AR should not have made the decision to allow the second defendant's request for permission, before hearing the claimants. However, as explained below, it did not follow that the AR's decision had to be set aside on this ground alone.

The appeal was by way of a rehearing

25 An appeal against a decision of the registrar must proceed before the judge by way of a rehearing on the documents filed by the parties before the registrar: O 18 r 25(4) of the ROC 2021. Such an appeal is not an appeal in the true sense; a rehearing means that the matter is to be treated afresh as though it had come before judge for the first time and the judge can exercise his discretion over the discretion of the registrar: *Ho Yeow Kim v Lai Hai Kuen* [1999] 1 SLR(R) 1068 at [15].

26 However, where the registrar's decision (being appealed against) pertains to *procedural matters*, the judge's powers (when rehearing the matter) are subject to O 18 r 10, which states as follows:

In procedural matters, the appellate Court is to allow the lower Court maximum autonomy and intervene only if substantial injustice will be caused otherwise.

27 The rationale for minimal appellate intervention is to provide the lower courts with the greatest flexibility possible to control and manage the cases and to do justice in each case; in procedural matters, parties should only avail themselves of the appellate courts as a matter of last resort: *Singapore Rules of Court: A Practice Guide* at para 18.031. This is consistent with the objective

under the ROC 2021 of enhancing judicial control over civil litigation. It is also consistent with the Ideals set out in O 3 r 1(2) of the ROC 2021.

28 Applying the above principles to the present case, the mere fact that the claimants were not given an opportunity to be heard did not mean that the AR's decision had to be set aside. The claimants still had to persuade me that the AR's decision should be set aside on the merits of the request for permission. In addition, as the AR's decision pertained to a procedural matter, the claimants also had to persuade me that substantial injustice would be caused otherwise.

The request for permission should be allowed on its merits

29 The claimants' claim is that the first and second defendants had devised a fraudulent scheme which involved the issuance of false quotations, purchase orders and false invoices.

30 On 26 February 2025, the second defendant asked the claimants to identify, among other things, the alleged false quotations, invoices and purchase orders, by date and serial numbers (where applicable). On 26 March 2025, the claimants refused to provide the information asked for on the grounds that, among other things, the information constituted evidence.

31 As the proceedings had not reached the stage of directions for an SAPT (see O 9 r 9(2)), on 2 April 2025, the second defendant filed his request for permission to file an application (before the SAPT) to seek FBP of the underlying transaction documents that the claimants pleaded were fictitious (see [5] above).

32 I agreed with the AR that the second defendant's intended application was necessary at that stage of the proceedings for the reasons given by the

second defendant. I would add that although the merits of the intended application were a matter for hearing of the application itself, this case was unique. It seemed to me that there was a strong case that the claimants ought to have identified the alleged fictitious documents in the Statement of Claim. The second defendant was therefore entitled to the particulars identifying the documents as early as possible.

33 The claimants pointed out that the second defendant's stated intention was to identify the alleged fictitious documents, and to compel the claimants to disclose the same, so that he could respond to them in his AEIC. The claimants argued that there was an appreciable risk that the second defendant intended to tailor his evidence to the documents. In substance, the claimants' argument was that the intended application was an abuse of process.

34 I disagreed with the claimants. The claimants' objection pertained to the merits of the intended application and ought to be made at the hearing of the intended application. Further, as stated earlier, this was a unique case. On the face of it, the claimants ought to have identified the alleged fictitious documents in the Statement of Claim. The second defendant was alleged to have devised a fraudulent scheme involving the issuance of false documents. It is trite that allegations of fraud or misrepresentation must be pleaded with utmost particularity, and this may include the identification of relevant documents (see *JTrust Asia Pte Ltd v Group Lease Holdings Pte Ltd and others* [2020] 2 SLR 1256 at [116]). This principle is also reflected in Form 9 of Appendix A to the Supreme Court Practice Directions 2021, which is to be used for statements of claim (O 6 r 5(3) of the ROC 2021). The second defendant ought to be provided with the particulars of the alleged fictitious documents so that he could deal with the allegations in his AEIC.

35 In any event, there was nothing in the evidence that suggested that substantial injustice would be caused if the AR's decision was not set aside. Even if I had disagreed with the AR's decision on the merits of the request for permission, pursuant to O 18 r 10, there would have been no reason for me to intervene and set aside her decision.

36 I would add that the claimants also objected to the scope of the second defendant's application for FBP that had been filed pursuant to the permission given by the AR. The substance of the claimants' objection was that the application that had been filed exceeded the permission given. However, in my view, this was an objection to be taken up at the hearing of the application itself.

Conclusion

37 For the above reasons, I dismissed the appeal and ordered the claimants to pay costs to the second defendant fixed at \$5,000 (inclusive of disbursements). The amount of costs ordered took into consideration the fact that the second defendant had taken the position that the claimants had no right to be heard on the request for permission and abandoned that position only in the course of the hearing before me.

Chua Lee Ming
Judge of the High Court

Tan Ly-Ru Dawn, Teo Wei Jian Tristan (Zhang Wenjian) and
Cheyenne Valenza Low (ADTLaw LLC) for the claimants;
Raeza Khaled Salem Ibrahim and Chin Yen Bing Arthur (TSMP Law
Corporation) for the second defendant.
