

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

[2025] SGHC 211

Originating Application No 171 of 2025

In the Matter of Section 35 of the Conveyancing
and Law of Property Act 1886

and

In the Matter of the estate of the deceased K Manukularatne

Between

P L B Vipula Manukularatne
(in his capacity as the executor of the estate
of K Manukularatne, deceased)

... Claimant

And

P L B Sarath Manukularatne

... Defendant

Originating Application No 999 of 2025

In the Matter of Section 127(4) of the Land titles Act 1993

Between

P L B Sarath Manukularatne

... Applicant

And

P L B Vipula Manukularatne
(in his capacity as the executor of the estate
of the deceased K Manukularatne)

... Respondent

JUDGMENT

[Land — Caveats — Declaration of validity]

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**P L B Vipula Manukularatne
(in his capacity as the executor of the estate of K
Manukularatne, deceased)**

v

P L B Sarath Manukularatne and another matter

[2025] SGHC 211

General Division of the High Court — Originating Applications Nos 171
and 999 of 2025

Choo Han Teck J

23 October 2025

29 October 2025

Judgment reserved.

Choo Han Teck J:

1 Vipula and Sarth are brothers. Vipula, a business development manager, aged 53, is the youngest son among five siblings, two of whom are his sisters. Sarath, the oldest son, aged 62, is retired. Their grandmother bought a house at Jalan Taman in 1959. On her death, the house was bequeathed to her daughter, Mdm Manukularatne, the mother of Vipula and Sarath. Mdm Manukularatne died on 5 October 2023. The house was bequeathed to her husband and her five children under a will executed on 12 January 2019.

2 Mdm Manukularatne lived in the house all her life, and when she died, the only other occupants were her husband, Mr Manukularatne, and Sarath. Mr Manukularatne (who is the father of the five siblings) himself died about a

year later, on 22 April 2024. It would appear that his one-sixth share would devolve to his children. However, it appears that Sarath is claiming that his father's one-sixth share had been bequeathed to him under his father's will, but Mr Vijay Rai, counsel for Vipula, said that that is being disputed although he did not elaborate other than that it was not an issue in the proceedings before me.

3 The proceedings before me are cross applications. The first (HC/OA 171 of 2025) was taken out on 20 February 2025 by Vipula, as the executor of his mother's will, claiming possession of the house, and also for an order that Sarath be liable for mesne profits or damages from 23 April 2024. Vipula also asked that mesne profits or damages to be assessed. Mr Rai confirmed at the hearing, that Sarath had given up possession, and prayer one for possession is thus withdrawn. However, Vipula is proceeding with his claim for mesne profits or damages. The application does not state on what basis his claim for mesne profits or damages are founded.

4 Sarath filed his cross application (HC/OA 999 of 2025) for a declaration that the caveat that he had lodged against the house was not lodged vexatiously, or frivolously, or not in good faith. The prayer that the caveat be maintained has been withdrawn by virtue of his having given up possession.

5 Although the cause of action for mesne profits or damages was not stated in the application, Mr Rai submitted that the delay in surrendering possession to Vipula 'rendered [Sarath] liable for mesne profits at the rate of double rent, as damages for trespass and/or wrongful occupation of the property'.

6 Mr Rai submits, without proof other than a single sheet of photocopied paper entitled 'SRX' handed over by Mr Rai at the hearing, which he explained

to be ‘Singapore Real Estate Exchange’. There is nothing on this sheet other than a box stating, ‘Rental value \$6,500 \$3.53 PSF’ and a note stating, ‘Highest value \$6,900 2023Q3, Lowest value \$3,900 2018Q1’. I am afraid that this will not do. Evidence must not only be adequate but also properly adduced. The sheet of paper has figures with no explanation. I do not know which property the prices referred to. The dates found on the sheet are at least two years old. No specific valuation was done in respect of the house in question. Two houses side by side may have vastly different rental values. Sarath’s counsel, Mr Kenneth Auyong says that the house is in poor condition, Mr Rai says that it is not.

7 Sarath says in his affidavit that he had lived in the house, looking after his parents until they died. He had renovated the house at his expense, and produced some photographs of the house. Sarath also paid the property tax, the annual value of which was assessed at \$32,000. Nonetheless, without more, I am unable to determine what the rental value is. Whatever the rental value of the house might be, Mr Rai has not persuaded me that Sarath is liable for any mesne profits or damages, whichever it is, Mr Rai himself seems unclear. He vacillated between double rent and monthly rent. But he has not convinced me that Sarath is liable for anything.

8 Mr Rai submits that Sarath has schizophrenia and it was his parents who were looking after him and not the other way round. Vipula exhibited a police report filed by his father against Sarath, vaguely insinuating death threats. But that report was dated 14 July 2020 when the father was 90 years old. These are all odd pieces of evidence that do not connect to Vipula’s claim in the present proceedings.

9 In my view, by the time we find our way to the calculation of mesne profits, Vipula's claim had already failed with no means of resuscitation. A claim for mesne profits or damages must follow a cause of action. That cause is not found in the application. Counsel submitting that it was for trespass is not enough. It is not even evidence. Furthermore, a claim for trespass ought to have been commenced by an action for trial, not by an Originating Application that presupposes that there are no material facts in dispute. Sarath denies that he was a trespasser.

10 On his case, not disputed by Vipula, he had been living with their parents in that house. He looked after both until they died. Even without his father's one-sixth share, Sarath is a beneficiary of the house by virtue of his mother's will. In the circumstances, there is no evidence for me to find Sarath a trespasser. There is no court order requiring Sarath to give up possession. The fact that Vipula is the executor alone does not entitle him to evict a beneficiary in occupation of the house unless there is a court order. The application for an order for possession was withdrawn before the hearing so Mr Rai is left with a cart but no horse. Vipula's claim in HC/OA 171 of 2025 is dismissed.

11 Sarath lodged a caveat against the house on 4 March 2025, and was notified by the Singapore Land Authority that Vipula had lodged an application to cancel the caveat. It informed Sarath that the caveat will be cancelled unless a court order is given to sustain the caveat. Given the fact that Sarath had given up possession, there is no reason to maintain the caveat. As there is no claim that the caveat was lodged vexatiously, frivolously, or not in good faith, there is no reason to allow the prayers in HC/OA 999 of 2025 save that Sarath is entitled to resist any claim in the future that he had filed such a caveat. Consequently, HC/OA 999 of 2025 is also dismissed.

12 Finally, Mr Auyong asked (at the end of the hearing) that Mr Rai recuse himself since he is a friend of the family. Mr Rai does not dispute this. There are also messages exhibited by Vipula himself, showing messages between Mr Rai and Sarath in which Mr Rai offered to bring something to what seems like a Buddhist ceremony, and Sarath replying to say ‘4 to 6 mangoes to serve the monks’, and Mr Rai writing to say that there was no place to park so he had ‘passed the 10 mangoes to Vipula’.

13 All that suggests that Mr Rai was a family friend, but it is not the purview of this court to have Mr Rai recuse himself from this case. On the contrary, in view of the relationship, Mr Rai could probably play the better role as peacemaker than as an instrument of domestic division. Thus, if he is unable to help the parties agree as to costs, counsel will file their submissions on costs within seven days.

- Sgd -
Choo Han Teck
Judge of the High Court

Vijay Kumar Rai and Jasleen Kaur (Arbiters Inc Law Corporation)
for claimant in HC/OA 171 of 2025 and respondent in HC/OA 999 of
2025;
Kenneth Auyong and Josiah Tan (Ramdas & Wong) for applicant in
HC/OA 999 of 2025 and respondent in HC/OA 171 of 2025.
