

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

[2026] SGHC 40

Originating Claim No 823 of 2023
(Summons No 3351 of 2025)

Between

- (1) Gurpreet Gill Maag
- (2) Daniel Maag
- (3) Unum in infinitum Inc.
- (4) Illume Holding Pte Ltd.

... Claimants

And

Ian McKee

... Defendant

JUDGMENT

[Civil Procedure — Costs]

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Gurpreet Gill Maag and others

v

McKee, Ian

[2026] SGHC 40

General Division of the High Court — Originating Claim No 823 of 2023
(Summons No 3351 of 2025)

Choo Han Teck J

4 February 2026

20 February 2026

Judgment reserved.

Choo Han Teck J:

1 I heard the parties in HC/OC 823/2023 (“OC 823”) where the claimants pursued claims for inducement of breach of contract, breach of confidentiality, malicious falsehood, slander and libel, and the defendant counterclaimed for defamation. On 7 November 2025, I delivered judgment dismissing both the claims and counterclaim and ordered costs in favour of the defendant on 20 November 2025. The claimants subsequently applied in HC/SUM 3351/2025 (“SUM 3351”) seeking a stay of execution of the costs order pending the determination of their appeal of OC 823, or alternatively, a stay conditional on claimants paying the costs into court. I dismissed SUM 3351 in its entirety in my judgment of 23 January 2026. The parties are now making submissions regarding the costs for SUM 3351.

2 The defendant’s counsel request costs of S\$18,000 on an indemnity basis with disbursements of S\$286. They justify this on the basis that they had written to the claimants’ counsel advising them to withdraw SUM 3351 as it lacked merit, while reserving the defendant’s right to seek indemnity costs should SUM 3351 be dismissed. The claimants proceeded with the application and the defendant’s lawyers had to review about 200 pages of affidavits and written submissions.

3 The claimants’ counsel submit that a sum of S\$2,000 all-in to be paid by the claimants to the defendant is appropriate. He argues that pursuant to O 21 r 2(2) of the Rules of Court 2021 (“ROC 2021”), the court must have regard to factors including the complexity of the matter and the time and labour expended, and SUM 3351 was a straightforward application determined through a single round of affidavits and written submissions, with a brief hearing on 15 January 2026. Counsel also cited case precedents to illustrate that similar stay applications typically receive cost awards of S\$2,000 to S\$3,5000, and higher awards only apply to more complex cases involving large commercial disputes or cross-border issues which are not present here.

4 There is, in my view, no reason to order indemnity costs against the claimants. Indemnity costs, outside of contract, are exceptional and reserved for cases where a party's conduct exhibits a high degree of unreasonableness: Simon Brown LJ in *Victor Kermil Kiam II v MGN Limited* [2002] 2 All ER 242 at 246. In my view, proceeding with an application despite a warning from the opposing party about its lack of merit does not constitute such unreasonableness. It was not the case that the claimants’ application was wholly devoid of substance or an abuse of the court’s processes. Further, the mere reservation of rights to seek indemnity costs, without a contractual agreement, does not entitle a party to such an award. Courts retain a discretion over costs

under O 21 r 2(1) of ROC 2021. There being no special merit, I am of the view that in this case, costs should be awarded on the standard basis.

5 Appendix G of the Supreme Court Directions 2021, states that costs for summonses seeking stays of proceedings pending appeal typically range from S\$3,000 to S\$11,000 (excluding disbursements). Against this range the defendant's claim for S\$18,000 appears excessive, and the claimants' proposal of S\$2,000 falls short of the suggested range. Although these guidelines are not binding and the court may depart from them where circumstances warrant, I see no compelling reason to do so in the present case.

6 I place limited weight on the case precedents cited by the claimants' counsel, as each case involves different factual and procedural circumstances, varying levels of effort and time expenditure, and differing volumes of submissions and affidavits. Costs determination therefore remains largely within the court's discretion based on the specific circumstances of each matter.

7 Considering that SUM 3351 was relatively straightforward, involving only one round of affidavits and written submissions, the appropriate award should fall within the lower end of the prescribed range in Appendix G. But I must also account for the volume of materials requiring review. As such, I order the claimants to pay costs of S\$5,000 plus reasonable disbursements of S\$286 to the defendant.

- Sgd -
Choo Han Teck
Judge of the High Court

Suang Wijaya and Hamza Zafar Malik (Eugene Thuraisingam LLP)
for the claimants;
Gerard Quek Wen Jiang and Glenn Chua Ze Xuan (PD Legal) for the
defendant.
