IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2019] SGHC 173

Suit No 376 of 2019
(Summons No 3470 of 2019)

Between

(1) True Yoga Pte Ltd
(2) True Fitness (STC) Pte Ltd
(3) True Fitness Pte Ltd

… Plaintiffs

And

Patrick John Wee Ewe Seng

… Defendant

JUDGMENT

[Civil Procedure] — [Judgments and orders] — [Sealing orders]

Version No 1: 27 Oct 2020 (22:41 hrs)

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True Yoga Pte Ltd and others
v
Wee Ewe Seng Patrick John

[2019] SGHC 173

High Court — Suit No 376 of 2019 (Summons No 3470 of 2019)
Choo Han Teck J
24 July 2019

25 July 2019 Judgment reserved.

Choo Han Teck J:

1 This suit is an action by the plaintiffs against the defendant for breach of fiduciary duties as a director. The plaintiffs are in the business of operating exercise gyms to which members have access.

2 The plaintiffs are applying by this summons to seal the court papers in respect of Summons No 3470 of 2019. That summons was an application by the defendant to strike out the action in this suit in part on the ground that the action was commenced without authority and that the solicitors, TSMP Law Corporation, are not authorised to act for the plaintiffs. The application is being heard by Assistant Registrar Lee Yuxian Jay ("AR Lee") and has been adjourned part-heard. It will resume on 7 August 2019. I will therefore have no comment on that application save only on what may be relevant to dispose of the application before me.

3 Mr Benjamin Niroshan Bala, counsel for the plaintiff, submitted that the application to seal the court papers is made necessary by reason of an existing order to seal the court papers relating to an action in Originating Summons No 1007 of 2018 in which the first plaintiff obtained an injunction against the defendant who had threatened to wind up the first plaintiff, having served on it a statutory demand.

4 Mr Bala submitted that the papers in Summons No 3470 of 2019 must be similarly sealed because it made reference to Originating Summons 1007 of 2018. Mr V K Rai, counsel for the defendant, submitted that Summons 3470 of 2019 is ongoing and this application should be adjourned if not dismissed. His argument is that should the defendant succeed, Mr Bala would have no standing to make this application at all.

5 Our judicial system is an open and transparent one. Court proceedings are open to the public save where the court is hearing in chambers or when it has directed that the trial or part of it be heard in camera. When it so orders, it has to be made pursuant to legislative provisions and for strong reasons.

6 In the case of proceedings in chambers, only counsel for the parties are allowed to be present unless the court grants leave to allow others to attend. The reason is that these are usually interlocutory matters and the public are not precluded when the trial proper begins. In the case of an originating summons, it was in its early form heard in open court. It is now largely heard in chambers unless the court directs that it be heard in open court.

7 In any event, court papers when filed are open to searches by the public because related parties or parties with related interests may wish to know the nature and outcome of the litigation. The court will only order the papers to be

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sealed when there are strong reasons in the public interest to do so. In recent times, the court may be more attentive to mischief by reason of the ubiquitous presence of social media, but this still falls under the purview of the public interest.

8 In the present case, the plaintiffs' application before me is two steps removed. First, in the case of the sealing order under Originating Summons No 1007 of 2018, no reasons are given as to why the papers were ordered to be sealed. As I mentioned, the court will order the papers to be sealed only in the public interest. In any event, the injunction application against the filing of a winding up application has been dealt with. There is no threat of that for the time being. There is no obvious public interest in preventing disclosure of the injunction order against a party applying to wind up a company in itself. Second, the fact that that application has been referred to in the summons before AR Lee in itself is no reason why the papers should be sealed. The parties can apply before AR Lee to redact the relevant parts if they can satisfy him that they should be redacted in the public interest.

9 I therefore dismiss this application to seal the papers in Summons No 3470 of 2019. I will fix costs if parties are unable to agree costs.

- Sgd -
Choo Han Teck
Judge

Benjamin Niroshan Bala (TSMP Law Corporation) for the plaintiff;
Rai Vijay Kumar (Engelin Teh Practice LLC) for the defendant.

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