

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

[2022] SGHC 151

Registrar Appeal from State Courts No 10 of 2022

Between

Wong Leng Si Rachel

... Appellant

And

Wu Su Han Olivia

... Respondent

JUDGMENT

[Civil Procedure — Discovery — Specific Discovery]

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.

Wong Leng Si Rachel

v

Wu Su Han Olivia

[2022] SGHC 151

General Division of the High Court — Registrar Appeal from State Courts
No 10 of 2022
Choo Han Teck J
23 May 2022; 13 June 2022

28 June 2022

Judgment reserved.

Choo Han Teck J:

1 The plaintiff describes herself as “a full-time social media influencer, actress, model and host”. She maintains an Instagram account that she claims has 41,400 followers. That, I suppose, entitles her, in her estimation, to be a celebrity. She was offended by a post made by the defendant on Instagram.

2 The defendant tells us nothing about herself in the pleadings, but counsel told the court that she works for a pharmaceutical company, selling stents for heart procedures, and that she is also a part-time nurse. She too, maintains an Instagram account through which she posted various statements that the plaintiff claims are defamatory of her. By the plaintiff's count, the defendant has 1,922 followers, although in a later paragraph, the plaintiff stated the number to be 1,880, in either case, a lesser light – by numbers. The statements in question were posted on 21 December 2020, almost a year after the plaintiff's marriage

to Ander Alpin (“Anders”) in December 2019, and were published under the title, “Cheatersof2020”.

3 It is not for me to decide on the merits of the action since this is only an appeal against the order for specific discovery against the plaintiff, an order made by the court below, and is now the subject of the appeal before me. But it is essential that the narrative is understood before the merits of this appeal can be determined. That, is the first challenge — the narrative is not clear. By a combination of Instagram-speak and the utter failure of counsel to translate that into English, the Statement of Claim is filled with chaff.

4 By way of an example, the defendant was alleged to have stated:

Let’s all do what we can to encourage @rachelwongggg to get help if needed — unfollow and unlike to help her understand that some lines should not be crossed. Stay in your lane and fix your car first.

Another of her statements was reproduced in the Statement of Claim, with emphasis in bold and underline, by the plaintiff’s counsel. It is hard to tell whether the emphasis represented counsel’s excitement or outrage, but such emphasis is not necessary in pleadings. That paragraph was pleaded as follows:

OH PAISEH, #BEDOKOLIVIA GOT IT WRONG FELLA @AWANSAUCE HERE’S AN EMCEE. LAGI WORSE. YOU SHOULD ENGAGE @DEEPSEAN OR LITFAM @GOBEWL @BENJAMINMAH OR ME INSTEAD. AND YEA, FELLA REALLY SEIZE ALL THE MOMENTS...**W HIS GENITALS** HAHAAH BRO CAN TEACH?????????? **@MEDIACORP YALL GOT CHARACTER CHECKS ONE OR NOT UH?** (emphasis added in bold and underline) (sic).

5 When asked what exactly the defamatory content of the plaintiff’s case was, Mr Clarence Lun, counsel for the plaintiff, referred to a line in paragraph 12 of the Statement of Claim which states as follows: “WHICH KIND OF BEAST FKS THE BRIDE ON HER WEDDING DAY?????”. I leave

the capital font in the original text alone but removed counsel’s emphasis in bold and underline.

6 The plaintiff says that she married Anders in December 2019 and that the statements complained of are understood to mean that she “committed infidelity on the day of her wedding, ie 27 December 2019”. She also avers that the defendant’s statements were understood to mean that the plaintiff had sexual relations with one Alan Wan, the master of ceremonies at her wedding, and “had no intention of marrying her ex-husband, Anders”, it must be obvious that counsel meant to write “marrying Anders”. The plaintiff also claims that the defendant imputed that the plaintiff had ruined “more than one person’s life”, that she was promiscuous, mentally unwell, have no morals, and “would not pass a character check by Mediacorp”. The plaintiff also says that the defendant imputed that the plaintiff was “shameless”.

7 The plaintiff, or more specifically, her counsel, pleaded that she intended to marry Anders otherwise she would not have had a pre-nuptial photoshoot with him. She claims that she was financially and emotionally invested in her wedding and had fully intended to see it through. However, counsel revealed that the plaintiff left for India on her own a few days after the wedding, and upon her return, she applied to annul the marriage.

8 Mr Gerard Quek, counsel for the defendant, submits that the words pleaded by the plaintiff are not defamatory, and should be understood as

- (a) the plaintiff was unfaithful to Anders, causing him to suffer emotionally;
- (b) by her infidelity, the plaintiff “lacks empathy and morals”; and
- (c) that the defendant was appalled by the plaintiff’s unfaithfulness.

Contrary to the rules of pleadings, Mr Quek exhibited photocopies of text messages depicting lurid details from a person referred to as “Han” and “Chen” interchangeably by counsel, but it appears that this person’s proper name is Chen Xuan Han. The messages do not show who the recipient was. Similarly, counsel appended a copy of what appears to be a journal entry that counsel says was from the plaintiff’s diary, professing her love for Alan Wan. A copy of a photograph was also attached, claiming to be that of the plaintiff lying on a man’s chest. The defendant claims that it was a photo of the plaintiff and Alan Wan. These exhibits should not be in the Defence, but they were also attached in the defendant’s affidavit in support of her application for specific discovery, which is where such evidential material belongs.

- 9 Deputy Registrar Lewis Tan ordered discovery of the following:
- (a) All correspondence between the plaintiff and one Chen Xuan Han;
 - (b) all correspondence between the plaintiff and Alan Wan; and
 - (c) all the plaintiff’s diary entries relating to Alan Wan from June 2018 to June 2020.

The plaintiff appealed to District Judge Victor Yeo but he affirmed DR Tan’s orders. She now appeals to this court against DJ Yeo’s decision. Mr Quek objects to the late filing of the plaintiff’s 6th affidavit, but after hearing counsel, I granted leave to the plaintiff to file the affidavit. In any event, in my opinion, as I shall elaborate, the earlier affidavits were sufficient for the purposes of the court’s orders below.

10 Mr Lun’s main argument is that the plaintiff had already sworn on oath that she does not have the documents in her power, custody, or control.

Mr Lun’s submission is not an adequate one. It is not enough to say that the plaintiff does not have the kind of entries that the defendant is seeking in her diary (or diaries). The defendant wants to see what is in the diaries during the relevant period. The plaintiff has to produce the diaries and not just say that the diaries are blank. My decision in *Soh Lup Chee v Seow Boon Cheong and another* [2002] 1 SLR(R) 604 relied upon by Mr Lun, does not help the plaintiff at all.

11 From the exhibits that the defendant has produced, there is reason to believe that similar other entries may be found, and if the diaries are produced but no such entries are found, then surely that should strengthen the plaintiff’s case at trial. The only test in this application is that of relevance, and I agree with the court below that the defendant has adequately shown that the documents sought are relevant and material for the trial.

12 Mr Lun also argued that the application by the defendant was scandalous and vexatious. The evidence sought may prove to be scandalous — if true, obviously, but it is scandalous only because of the nature of the subject matter of the defamation. The plaintiff had chosen to sue and the defendant seeks to justify her statements. The scandal will fall heavily on the plaintiff or the defendant, depending on who succeeds in this action, but this application in itself is neither scandalous nor vexatious.

13 In many discovery applications, the party resisting often claims, as Mr Lun is now doing, that the applicant is “only fishing”, and the court should not order disclosure that lends indiscriminate assistance to such unmeritorious applications. The principle against such applications is just that a party will not be permitted to seek discovery of documents without good reasons. And generally, that means that if there are documents that one might expect the other

party to have in his power to produce, and that are relevant to the issues at trial, then they must be produced. In this case, samples of relevant material had been produced, and, just to extend the fishing analogy just a bit more, it is not a mere fishing expedition if fish has in fact been spotted.

14 This appeal is dismissed. I will hear the question of costs at a later date if parties are unable to agree on costs.

- Sgd -
Choo Han Teck
Judge of the High Court

Clarence Lun Yaodong (Fervent Chambers LLC) for
appellant/plaintiff
Gerard Quek Wen Jiang and Glenn Chua Ze Xuan (PDLegal LLC)
for respondent/defendant.
