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

[2025] SGHCR 37

Originating Claim No 379 of 2023 (Summons No 1663 of 2025)

Between

GHP Far East Ltd

… *Claimant*

And

(1) NPG Global Pte Ltd
(2) Chia Po Li

… *Defendants*

GROUNDS OF DECISION

[Civil Procedure — Conferences (pre-trial) — Order 9 r 4 of the Rules of Court 2021]

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GHP Far East Ltd
v
NPG Global Pte Ltd and another

[2025] SGHCR 37

General Division of the High Court — Originating Claim No 379 of 2023
(Summons No 1663 of 2025)
AR Perry Peh
1 August, 26 August 2025

21 November 2025

AR Perry Peh:

Introduction

1 HC/SUM 1663/2025 ("SUM 1663") was an application by the claimant in HC/OC 379/2023 ("OC 379") for judgment to be given against the second defendant, and for the second defendant's counterclaims in OC 379 to be dismissed, in view of the second defendant's three absences from Registrar's Case Conferences ("RCCs") with no valid reason. SUM 1663 was brought pursuant to O 9 rr 4(1) and 4(2) of the Rules of Court 2021 ("ROC 2021"). These rules provide for the court's discretion to "dismiss the action" or "give judgment" if the claimant or the defendant (as the case may be) is absent from "the case conference".

2 I agreed with the claimant that the second defendant's *previous* absences from RCCs, which were without valid reason, resulted in unnecessary time and

costs being incurred to the claimant's prejudice. However, because the second defendant attended at a *subsequent* RCC convened after SUM 1663 was filed, she was no longer "absent" for the purposes of O 9 rr 4(1) and 4(2) by the time SUM 1663 came to be heard, and the court's discretion to give judgment or dismiss the action under O 9 rr 4(1) and 4(2) was *not* enlivened. As I explain later, the words "the case conference" in O 9 rr 4(1) and 4(2) is a reference to the *most recent RCC* which the court has convened in the matter at the point in time where the court is invited to give judgment or dismiss the action under O 9 rr 4(1) and 4(2), and for the court's discretion thereunder to be enlivened, the party against whom the judgment or dismissal is sought must have been absent from *that RCC*. In any case, even if I were wrong in that view, I consider the second defendant's attendance at the subsequent RCC and her general conduct as factors which militated against the court exercising its discretion under O 9 rr 4(1) and 4(2) to give judgment and dismiss the action.

3 For these reasons, I dismissed SUM 1663, but I ordered the second defendant to pay to the claimant costs of SUM 1663 and the costs of a previous RCC that were reserved in the claimant's favour, the quantum of which I heard parties separately. The claimant did not appeal against my decision. These detailed grounds are intended to supersede the brief reasons which I previously provided to the parties when I delivered my decision.

Background

4 In OC 379, the claimant ("GHP") brought claims against the first defendant ("NPG") and the second defendant ("Ms Chia") in connection with sums owing under a profit sharing agreement for the supply of medical products as well as secret profits which the defendants allegedly made. According to GHP, Ms Chia is a director and 90% shareholder of NPG. The defendants

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contested GHP's claims and also brought counterclaims against GHP. The defendants were represented by solicitors until 16 December 2024 when they filed a notice of intention to act in person pursuant to O 4 r 8(4) of the ROC 2021.

5 As against NPG, GHP has already obtained judgment of its claims as well as dismissal of NPG's counterclaim ("JUD 246") pursuant to O 9 rr 4(1) and 4(2) of the ROC 2021. The background to JUD 246 is as follows. Since NPG is a Singapore-incorporated company, it had to be represented by solicitors in legal proceedings, unless the court grants permission for an authorised officer of the company to act on its behalf (see O 4 rr 3(1) and 3(3) of the ROC 2021). The defendants brought an application for Ms Chia to be granted permission to represent NPG in OC 379, but this was dismissed on 26 February 2025, and thereafter, no further application for corporate self-representation under O 4 r 3(3) of the ROC 2021 was brought. Since there was no one capable of representing NPG who participated in OC 379, it was regarded absent at all RCCs from 16 December 2024 onwards. In HC/SUM 984/2025 ("SUM 984"), GHP successfully applied to the court for judgment to be granted on its claims against NPG and for NPG's counterclaim to be dismissed, pursuant to O 9 rr 4(1) and 4(2) of the ROC 2021. JUD 246 was entered pursuant to the orders made in SUM 984.

6 In its supporting affidavit for SUM 1663, GHP explained that the present application was brought about by Ms Chia's absence from two RCCs with no valid reason:[1]

[1] 8th affidavit of Thomas Petermoeller ("TP-8") at paras 13.6.

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(a) The first instance was the RCC fixed on 17 April 2025.[2] On the night before the RCC (*ie*, 16 April 2025), Ms Chia sent an e-mail to the Supreme Court Registry, requesting for the RCC to be "postponed" in view of her medical condition and attached a medical certificate ("MC") in support. GHP's solicitors were not copied in Ms Chia's e-mail. The next day (*ie*, 17 April 2025), the Registry issued a letter to parties, annexing a copy of Ms Chia's e-mail and informed parties that the RCC was refixed to 15 May 2025. The Registry's letter also highlighted that Ms Chia's MC was not in compliance with para 89 of the Supreme Court Practice Directions 2021 ("SCPD") and Form B15 of Appendix B to the SCPD.

(b) The second instance was the RCC fixed on 15 May 2025. Ms Chia was duly notified of the RCC (by way of a Registrar's Notice ("RN") dated 17 April 2025) and provided with the relevant videoconferencing login details (by way of a further RN dated 5 May 2025). The RCC on 15 May 2025 went ahead and GHP's counsel attended, but Ms Chia failed to attend without any explanation.[3]

7 After obtaining permission pursuant to O 9 r 9(7) of the ROC 2021, GHP filed SUM 1663 on 13 June 2025. Subsequent to that, there were two further RCCs:

(a) After Ms Chia's absence at the 15 May 2025 RCC, the parties were notified by RN on 25 May 2025 that a further RCC was fixed for 26 June 2025. Similar to what happened at the RCC on 17 April 2025,

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2 TP-8 at paras 13.2–13.3.

3 TP-8 at paras 13.4–13.5.

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Ms Chia e-mailed the Registry a day before, submitting an MC and requesting for the 26 June RCC to be adjourned. In the event, GHP's counsel attended the RCC but Ms Chia was absent. The court adjourned the RCC to 10 July 2025 and ordered that costs of the adjournment be reserved. In a letter dated 26 June 2025, the Registry informed parties of the adjournment, and highlighted that Ms Chia's MC was not in compliance with para 89 of the SCPD and that the MC also did not specify that Ms Chia was medically unfit to attend court.[4]

(b) Ms Chia finally attended the further RCC on 10 July 2025. At the RCC, Ms Chia informed the court that she would not be filing any reply affidavit in SUM 1663 but she wished to file written submissions to contest SUM 1663. The court directed that Ms Chia's written submissions be filed by 25 July 4.00pm, which she duly filed in the event.

8 In SUM 1663, GHP asks for judgment to given on its claims in OC 379 against Ms Chia, and for Ms Chia's counterclaim in OC 379 to be dismissed, in view of Ms Chia's absences from the previous RCCs (*ie*, the RCCs on 17 April, 15 May and 26 June 2025), which without valid reason, pursuant to O 9 rr 4(1) and 4(2) of the ROC 2021. In the event the court was minded to grant the judgment and dismissal sought, GHP asks that the terms of JUD 246 be varied so that both NPG and Ms Chia were made jointly and severally liable for the sums payable under the two judgments obtained against each of the defendants in OC 379.

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4 Letter from Aequitas Law LLP dated 28 Jul 2025 at paras 3(a)–3(f).

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The issues

9 SUM 1663 raised two issues for decision:

(a) Whether the court's discretion under O 9 rr 4(1) and 4(2) of the ROC 2021 should be exercised for judgment to be given against Ms Chia, and for Ms Chia's counterclaim to be dismissed?

(b) If so, whether the terms of JUD 246 are to be varied as to make NPG and Ms Chia jointly and severally liable under a single judgment for the sums payable under the judgments obtained by GHP in OC 379?

Whether the court's discretion under O 9 rr 4(1) and (2) should be exercised in GHP's favour?

10 In support of SUM 1663, GHP highlighted the following. First, Ms Chia's absences at the two RCCs *before* SUM 1663 was brought (*ie*, the 17 April and 15 May 2025 RCCs) and at the RCC on 26 June 2025 have made a mockery of these proceedings, and in the face of Ms Chia's conduct, it was unfair to require GHP to incur more time and costs to continue with OC 379. Further, to date, Ms Chia has not provided any explanation on affidavit for her absences at the previous RCCs. Secondly, the fact that Ms Chia is a self-represented person was of no consequence as she has already been afforded ample latitude in her conduct. In any case, except for particularly obscure provisions of the Rules of Court or Practice Directions, it was reasonable to self-represented persons like Ms Chia to familiarise themselves with the requirements of civil procedure, and affording Ms Chia excessive leeway would be prejudicial to GHP's interests.

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The applicable principles

11 Order 9 r 4 of the ROC 2021 states:

> **Absence of parties (O. 9, r. 4)**
>
> **4.**—(1) If no party attends the case conference or if the claimant is absent, the Court may dismiss the action.
>
> (2) If the claimant attends the case conference but the defendant is absent, the Court may give judgment for the claimant upon proof of service of the originating claim or originating application on the defendant.
>
> (3) The Court may set aside or vary the dismissal or default judgment on proof that there were valid reasons for the absence of the defaulting party.

12 Before considering O 9 r 4 proper, I think it is helpful to consider its predecessor provision in the revoked Rules of Court (2014 Rev Ed) ("revoked ROC") and the case law which has considered that provision.

Order 34A r 6(1) of the revoked ROC

13 The contents of O 9 r 4 of the ROC 2021 mirror O 34A rr 6(1) and 6(2) of the revoked ROC, which I reproduce below:

> **6.**—(1) If, at the time appointed for the pre-trial conference, one or more of the parties fails to attend, the Court may dismiss the action or proceedings or strike out the defence or counterclaim or enter judgment or make such other order as the Court thinks fit.
>
> (2) An order made by the Court in the absence of a party concerned or affected by the order may be set aside by the Court, on the application of that party, on such terms as it thinks just.

14 Order 34A of the revoked ROC was first introduced in the Rules of Court 1996 (see Jeffrey D Pinsler, "The Rules of Court, 1996" [1996] Sing JLS 279 ("*Pinsler*") at p 288). The overarching rationale of O 34A was to provide the court with powers that allowed it to take on a more active role in case

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management and enhance its position as the "overseer of the civil process" (see generally, *Pinsler* at pp 287–288). For example, O 34A r 1 provided for the court's powers of intervention, namely, to "make such order or give such direction as it thinks fit, for the just, expeditious and economical disposal of the cause or matter", while O 34A rr 2–7 introduced more extensive rules to govern the conduct of pre-trial conferences ("PTCs"), as RCCs used to be known. Order 34A also introduced powers for the court to impose sanctions where its case management directions were not complied with (see O 34A r 2(3)), including the court's power to impose sanctions where a party fails to attend PTCs (see O 34A r 6).

15 In *Zhou Wenjing v Shun Heng Credit Pte Ltd* [2023] 4 SLR 1599 ("*Zhou Wenjing*"), the High Court had the opportunity to consider O 108 r 3(7) of the revoked ROC. This rule applied to the conduct of case management conferences ("CMCs") in civil proceedings in the Magistrate's Court or District Court to which the Simplified Process under O 108 of the revoked ROC applied. Order 108 r 3(7) states:

> (7) If one or more of the parties fails to attend the case management conference, the Court may —
>
> (*a*) give judgment or dismiss a case; or
>
> (*b*) make any other order, or give any direction, as the Court thinks just and expedient in the circumstances.

16 Like O 34A rr 6(1) and 6(2) of the revoked ROC and O 9 rr (1) and 4(2) of the ROC 2021, O 108 r 3(7) of the revoked ROC similarly provides for the court's discretion to give judgment or dismiss a case in view of a defaulting party's absence at case conferences.

17 In *Zhou Wenjing*, both parties were represented by counsel. The second defendant's counsel ("DC") was absent from a CMC which was only attended

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by the plaintiff's counsel ("PC"). At the CMC, the PC informed the Deputy Registrar ("DR") presiding over the CMC that the DC had informed her beforehand that he was not attending as he was feeling unwell. The PC subsequently invited the court to give judgment for the plaintiff's claim on account of the DC's absence. The DR, after ascertaining that there was no agreement between the PC and the DC for the former to mention on behalf of the latter at the CMC, proceeded to grant judgment and struck out the second defendant's defence pursuant to O 108 r 3(7) of the revoked ROC. A day after the CMC, the second defendant filed an application ("SUM 373") to set aside the default judgment granted by the DR, which was accompanied by a supporting affidavit from DC which explained his absence from the CMC. SUM 373 was heard by the DR, who dismissed the application. The DR's decision was upheld by a District Judge ("DJ") on appeal. The matter before the High Court was an application by the second defendant for leave to appeal against the DJ's decision.

18 The High Court granted leave to appeal on the ground that there was a *prima facie* error in the DJ's decision (see *Zhou Wenjing* at [38]). Two of those errors of law related to the DJ's failure to recognise that the DR had no basis to enter the default judgment against the second defendant pursuant to O 108 r 3(7) and/or that the DR had incorrectly exercised the court's discretion to enter the default judgment (see *Zhou Wenjing* at [41]). On this note, the High Court made the following observations about the operation of O 108 r 3(7), which are especially instructive for present purposes:

> (a) First, the use of the word "may" in O 108 r 3(7) connotes that the court has a *discretion* whether or not to make an order for judgment or dismissal, but this was only enlivened where one or more of the parties "fail[ed] to attend" the CMC (see *Zhou Wenjing* at [41])

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(b) Secondly, a "fail[ure]" to attend in the terms of O 108 r 3(7) meant "absence *without reason*" [emphasis in original]. Therefore, even if a party was physically absent from a CMC, if that party had a good reason for his or her absence, then it ought not to count as a failure to attend (see *Zhou Wenjing* at [42]).

(c) Thirdly, in finding that the DR had incorrectly exercised the court's discretion, the High Court placed significant weight on the fact that the DC "really had no idea that [the PC] was going to take out an application for a default judgment" at the CMC, especially since the DC had communicated to the PC before the CMC that he was unwell, and in these circumstances the last thing the DC would have expected was for the PC to use the DC's absence as a ground for obtaining a default judgment (see *Zhou Wenjing* at [49]).

(d) Finally, the court emphasised that procedural efficiency should not come at the expense of substantive justice, and in the context of represented parties, a court should only grant a default judgment under O 108 r 3(7) where it was "utterly satisfied" that there was no proper explanation for counsel's absence, or if the case was one "where [a party] does not even enter an appearance or is consistently absent after that" (see *Zhou Wenjing* at [67]).

Order 9 rr 4(1) and 4(2) of the ROC 2021

19 The ROC 2021 is intended to impart to the court full control over the progress of the proceedings (see *Civil Justice Commission Report* (29 December 2017) (Chairperson: Justice Tay Yong Kwang) at p 2; Jeffrey Pinsler SC, *Singapore Civil Practice: Vol I* (LexisNexis, 2022) ("*SCP: Vol I*") at paras 2-4 and 2-7). As such, the rationale of active case management which underlies

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O 34A r 6 of the revoked ROC applies equally, if not with greater force, to O 9 r 4 of the ROC 2021.

20 The structure of O 9 r 4 of the ROC 2021 (which I have reproduced at [11] above) is similar to O 34A r 6(1) of the revoked ROC. Similar to O 34A r 6(1), O 9 rr 4(1) and (2) provides that the court "may" give judgment or dismiss the action where a party is "absent" from the RCC. Previous case law on O 34A r 6(1) (as well as O 108 r 3(7)) of the revoked ROC would be equally applicable to the application of O 9 rr 4(1) and 4(2) of the ROC 2021, given that the two sets of provisions are in substance identical in their operation.

21 By way of an observation, I note two distinctions in the drafting of O 9 r 4 of the ROC 2021 as compared with O 34A rr 6(1) and 6(2) of the revoked ROC, but I do not think they are intended to introduce significant differences in the application of O 9 r 4.

22 First, in O 9 rr 4(1) and (2), the operative condition which enlivens the court's discretion to give judgment or dismissal is a party's "absen[ce]" from the RCC, as opposed to a party's "fail[ure] to attend" (see O 34A r 6(1) and O 108 r 3(7)). In *Zhou Wenjing* ([15] above) (at [42]), the High Court noted that a party's "fail[ure] to attend" case conferences under O 108 r 3(7) meant "absence without reason". In my respectful view, this applies equally to O 9 rr 4(1) and 4(2). Obviously, the court would only make an order for judgment or dismissal – the gravest of sanctions which a defaulting party can expect – where the defaulting party had either (a) absented himself or herself from the RCC in question without any prior reason or explanation or (b) explained his or her inability to attend beforehand but where that explanation is found to be invalid by the court by the time of the said RCC. It is notable that O 9 r 4(3) of the ROC 2021 provides for the court's powers to set aside or vary any dismissal or

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default judgment given under O 9 rr 4(1) and 4(2) "on proof that there were valid reasons for the absence of the defaulting party". This reinforces the interpretation that any order for judgment or dismissal made pursuant to O 9 rr 4(1) and 4(2) is premised on a party's absence *without* "valid reasons".

23 Secondly, while O 34A r 6(2) of the revoked ROC provides that the court may set aside any order for judgment or dismissal made pursuant to O 34A r 6(1) "on the application of [the] party [concerned or affected by the order], on such terms as it thinks just", O 9 r 4(3) of the ROC 2021 provides that the court may set aside or vary the dismissal or default judgment "on proof that there were valid reasons for the absence of the defaulting party". Two distinctions may be noted:

(a) Unlike O 34A r 6(2) of the revoked ROC, O 9 r 4(3) of the ROC 2021 does not provide that a defaulting party seeking to set aside or vary the dismissal or default judgment must file an application for that purpose. Nonetheless, I do not think it is intended that the requirement of an application be jettisoned entirely. As a practical matter, ordinarily, a defaulting party who seeks to set aside or vary any dismissal or default judgment granted pursuant to O 9 rr 4(1) and 4(2) should still file an application by summons for that purpose, because it is necessary for that party to explain on affidavit the "valid reasons" for his or her absence at the RCC(s) in question, and for the opposing party to be afforded an opportunity to respond, before the court considers if its discretion to set aside or vary such dismissal or default judgment under O 9 r 4(3) should be exercised.

(b) Order 34A r 6(2) does not identify any grounds on which the court's discretion to set aside any order for judgment or dismissal is to

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be exercised. On the other hand, O 9 r 4(3) provides that such discretion could be exercised, "on proof that there were valid reasons for the absence of the defaulting party". This suggests that, for the court's discretion under O 9 r 4(3) to be *enlivened*, the defaulting party must satisfy the court that there were valid reasons for its absence at the RCC(s) in question. This implies that the threshold for setting aside or varying any order for judgment or dismissal under O 9 r 4(3) is not an insignificant one. This makes sense because, if legitimately imposed orders under O 9 rr 4(1) and 4(2) could be set aside with relative ease, this risks parties not taking them seriously (see, albeit in a different context, *D.N.G FZE v PayPal Pte Ltd* [2024] SGHC 65 at [98]), and undermines the purpose which O 9 r 4 is intended to serve. All these reinforce the point that the court should make an order for judgment or dismissal under O 9 rr 4(1) and 4(2) with *caution* and only in circumstances where it is *warranted*. I will return to this point again when I consider the principles governing the court's exercise of its discretion to give judgment or dismiss the action under O 9 rr 4(1) and (2) (see [30] and [32] below).

The two-stage inquiry in considering the applicability of O 9 rr 4(1) and 4(2)

24 The application of O 9 rr 4(1) and (2) of the ROC 2021 involves two stages: (a) first, whether a party has been "absent" from "the case conference", which enlivens the court's discretion under O 9 rr 4(1) and 4(2); and (b) if so, secondly, whether the court's discretion thereunder should be exercised in favour of the non-defaulting party to grant the judgment or dismissal sought. Where a claimant seeks judgment under O 9 r 4(2) against a defendant, there is a further requirement in the first stage, in that the court must also be satisfied of service of the originating claim or the originating action on the defendant.

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(1) First stage: defaulting party must be absent without valid reason at the most recent RCC which the court has convened in the matter

25 For the first stage to be satisfied, the non-defaulting party must show that the defaulting party is absent from "the case conference" without valid reason (see [22] above). This requirement is relatively straightforward in its application. If the court is invited to exercise its powers under O 9 rr 4(1) and 4(2) at the same RCC which the defaulting party had been absent from, then this requirement would be satisfied if the defaulting party had been absent from *that RCC* (a) without providing any reason or (b) if one had been provided beforehand, that reason was found by the court to be invalid by the time of the RCC.

26 However, if the court is invited to exercise those powers at an occasion *subsequent* to the particular RCC which the defaulting party had been absent from ("the subject RCC") – for example, at an RCC subsequent to the subject RCC *or* at a hearing subsequent to the subject RCC – the first stage is only satisfied if the defaulting party remains absent without valid reason at the most recent RCC which the court has convened in the matter. Let me explain.

27 Order 9 rr 4(1) and (2) of the ROC 2021 provides that the court may give judgment or dismiss the action if the defaulting party is absent from "the case conference". RCCs are convened from time to time at any stage of the proceedings as the court thinks appropriate to manage the matter (see O 9 r 1(3) of the ROC 2021). A literal reading of these provisions suggests that "the case conference" in O 9 rr 4(1) and (2) ought to be a reference to the most recent RCC which the court has convened in the matter. To illustrate, if a defaulting party had absented himself or herself at the first RCC causing an adjournment to a second RCC, and if the court is invited to give judgment or dismiss the

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action under O 9 rr 4(1) and (2) at the *second RCC*, whether the defaulting party is "absent" from "the case conference" for the purposes of O 9 rr 4(1) and 4(2) is determined by his or her attendance at the *second RCC* or, if he or she was absent, whether a valid reason had been provided beforehand. In such a scenario, the first stage would only be satisfied if the defaulting party remains absent without valid reason at the *second RCC*. On the other hand, if the defaulting party attends the *second RCC*, then the first stage is not satisfied because, in light of his or her attendance at the *second RCC*, it could no longer be said that he or she is absent from "the case conference".

28 In my view, this interpretation of the words "the case conference" is consistent with the purpose of O 9 rr 4(1) and 4(2) of the ROC 2021. The sanction which it embodies is meant to secure the punctilious attendance by parties (or their counsel) at RCCs so that the court can exercise its case management powers with efficiency (see [14] above). Similar sanctions in our civil procedure rules which are intended to secure the efficient and prompt administration of justice, such as the making of 'unless' orders, have also been explained to serve the purpose of securing a fair trial in accordance with the due process of the law, and not to punish a party for its non-compliance or misconduct (see *Mitora Pte Ltd v Agritrade International Pte Ltd* [2013] 3 SLR 1179 ("*Mitora*") at [45]). It is therefore not the purpose of O 9 rr 4(1) and 4(2) to punish a party for his or her previous absences at RCCs. Therefore, where a party has since attended the most recent RCC which the court has convened in the manner, the court's discretion under O 9 rr 4(1) and 4(2) would not be enlivened notwithstanding his absence at *previous* RCCs, and it is inconsistent with the purpose of O 9 rr 4(1) and 4(2) for the sanction therein to be imposed against the defaulting party in these circumstances. Where costs have been incurred by the non-defaulting party as a result of the defaulting party's absence

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at previous RCCs, the appropriate recourse is for the non-defaulting party is to seek orders for the payment of those wasted costs by the defaulting party.

29 To be clear, this is not to say that a party has a free licence to absent itself from RCCs, show up *only* at the particular RCC when the giving of judgment or dismissal of the action under O 9 rr 4(1) and 4(2) is imminent, and then subsequently absent itself from RCCs again. As I explain later, such a pattern of conduct will weigh in favour of the court exercising its discretion to give judgment or dismiss the action when it is invited to do so by the non-defaulting party, if the defaulting party again absents itself from the most recent RCC which the court has convened in the matter without valid reason. In other words, a defaulting party's *previous* absences, while not in and of themselves capable of enlivening the court's discretion under O 9 rr 4(1) and 4(2), are nonetheless relevant to how that discretion is to be exercised (see [33] below).

(2) Second stage: the court's discretion is exercised against the defaulting party where his or her conduct is of a nature that warrants him or her being deprived of his or her substantive rights

30 A default judgment is a draconian measure that shuts out the party against whom it is imposed from having his or her day in court; the fact that it is open to that party to have it set aside pursuant to O 9 r 4(3) of the ROC 2021 is not a reason for it to be hastily granted (see generally, *Zhou Wenjing* ([15] above) at [67]). Indeed, as I have alluded to above (at [23(b)]), if O 9 r 4 is to serve its intended purpose, the threshold to be met for any dismissal or default judgment under O 9 rr 4(1) and 4(2) to be set aside is not an insignificant one, and correspondingly, the court should only exercise its discretion in favour of giving judgment or dismissing the action where this is fully warranted by the circumstances of the case. Therefore, in the exercise of its discretion under O 9 rr 4(1) and 4(2), the court must be satisfied that the defaulting party's conduct

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justifies him being deprived of his or her substantive rights (see *SCP: Vol I* ([19] above) at para 6-18). This involves striking a balance between *procedural efficiency* on the one hand (which is enshrined in the Ideals of "expeditious proceedings" and "efficient use of court resources" in O 3 rr 1(2)(*b*) and 1(2)(*d*) of the ROC 2021) and *substantive justice* on the other (which is the desideratum of achieving a substantively just result or outcome: see *Zhou Wenjing* at [68]; *United Overseas Bank Ltd v Ng Huat Foundations Pte Ltd* [2005] 2 SLR(R) 425 at [4]–[5]). In *Lee Chee Wei v Tan Hor Peow Victor and others and another appeal* [2007] 3 SLR(R) 537 (at [82]), the Court of Appeal emphasised that in each case of procedural default, the appropriate response must be assessed in its proper factual matrix and calibrated by reference to the paramount rationale of dispensing even handed justice (see also *SCP: Vol I* at para 1-53). Therefore, how the balance between procedural efficiency and substantive justice is to be struck, for the purposes of determining if the court's discretion under O 9 rr 4(1) and (2) ought to be exercised against the defaulting party, depends on the precise circumstances of each case.

31 I suggest that the following three considerations, which centre around the *conduct* of the defaulting party, are relevant. I should also add that, while a defaulting party who absents itself from RCCs without valid reason would obviously have occasioned some form of *prejudice* to the non-defaulting party, that is *not* the primary consideration in the court's exercise of discretion under O 9 rr 4(1) and (2), because the emphasis ought to be on the *conduct* of the defaulting party and whether that alone warrants him being deprived of his or her substantive rights.

32 First, where the defaulting party is absent without valid reason from an RCC for the *first time*, it would be an uphill task for the non-defaulting party to persuade the court to exercise its discretion under O 9 rr 4(1) and (2) against the

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defaulting party. While it is of paramount importance that parties adhere to court directions and properly attend RCCs when directed to do so, the balance between procedural efficiency and substantive justice would, in my view, not be correctly struck if a party is deprived of his or her day in court and be put through the expense of setting aside a default judgment as a result of what is apparently a one-off occurrence (see also *Zhou Wenjing* at [67]). This follows from my earlier point that, given the not insignificant threshold which a defaulting party must surmount to set aside any dismissal or default judgment under O 9 r 4(3), the discretion to give judgment or dismiss the action under O 9 rr 4(1) and (2) should be exercised with caution (see [23(b)] above).

33 Secondly, the readiness at which the court would exercise its discretion under O 9 rr 4(1) and 4(2) against the defaulting party generally increases with the number of RCCs which the defaulting party has absented itself from without valid reason, including *previous* absences (see [29] above). However, this analysis is not one of pure arithmetic and the court should consider the conduct of the defaulting party in totality in determining if the sanction of judgment or dismissal of the action is warranted. The absences in question should either reveal a pattern of default or show that the defaulting party been "consistently absent" (see, for example, *Zhou Wenjing* at [67]) for the court to be persuaded to exercise its discretion against the defaulting party. This similarly follows from my earlier point that the discretion to give judgment or dismiss the action under O 9 rr 4(1) and 4(2) is one exercised with caution (see [23(b)] above). For example, a defaulting party who absented himself from RCCs on *two* occasions but who has complied with all other court directions hitherto given might be viewed more favourably than one who has absented himself from the RCCs and also failed to comply with court directions. The court would be more readily persuaded to exercise its discretion under O 9 rr 4(1) and (2) against the latter

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defaulting party, whose conduct is more likely to reveal a pattern of default. For the avoidance of doubt, this analysis should not depend on whether the defaulting party in question is self-represented or is represented by counsel in the proceedings. *Attendance* at RCCs is a fundamental requirement that a litigant has to satisfy, whether through his or her own attendance (if self-represented), or through counsel's attendance (if represented), and there is nothing legalistic, inaccessible or obscure in this requirement such that a self-represented person should be afforded any greater leeway than a represented party (see generally, *Hoi Hup Sunway Tampines Pte Ltd v Ng Hwee Chuah and another* [2023] SGMC 39 ("*Hoi Hup Sunway*") at [24]).

34 Thirdly, all other things being equal, I think the court would more readily exercise its discretion against a defaulting party where that party had been forewarned of the possibility of having judgment granted or dismissal of the action ordered against him or her, and yet persists in his or her absence without valid reason at the next RCC which the court convenes. Where the defaulting party maintains his or her absence despite having been forewarned, this supports the view that his or her previous default is unlikely to be a one-off occurrence and/or is revealing of a pattern of default as to warrant the imposition of the sanction in O 9 rr 4(1) and 4(2). Of course, it might be said that forewarning the defaulting party puts him or her on notice and results in him or her attending the next RCC, *but* (a) leaves the non-defaulting party with no recourse in respect of the defaulting party's *previous* absences and (b) provides no assurance to the non-defaulting party that the defaulting party will thereafter maintain his or her attendance for subsequent RCCs. To this, I make three points in response:

(a) The practical effect of forewarning the defaulting party might be to result in him or her attending the next RCC and result in the non-

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defaulting party losing the opportunity of persuading the court at the next RCC for judgment or dismissal of the action to be granted under O 9 rr 4(1) and 4(2). However, there is nothing objectionable in such an outcome because O 9 r 4 is not intended to confer parties with tactical advantages; its purpose is to secure parties' punctilious attendance at RCCs to facilitate the court's exercise of its case management powers.

(b) A non-defaulting party who wishes to seek recourse from the defaulting party in respect of the defaulting party's previous absences at RCCs is at liberty to ask for the appropriate costs orders to be made. Further, the focus in the court's exercise of discretion under O 9 rr 4(1) and 4(2) is not the prejudice suffered by the non-defaulting party, but whether the conduct of the defaulting party warrants the deprivation of his or her substantive rights (see [31] above).

(c) If the defaulting party absents himself or herself *again* at subsequent RCCs despite having been *previously* forewarned of the possibility of having judgment granted or dismissal ordered for similar absences, this in and of itself reveals a pattern of default, and is a clear factor militating in favour of the court exercising its discretion under O 9 rr 4(1) and 4(2) against the defaulting party. The conduct of the defaulting party is judged in *totality* and not by the mere fact that he or she has attended on recent occasions.

Observation: the necessity of an application by summons for the non-defaulting party to invoke O 9 rr 4(1) and 4(2)

35 Before applying the principles outlined above to the present facts, I would observe that case law relating to the predecessor provisions of O 9 rr 4(1) and 4(2) in the revoked versions of the Rules of Court suggests that it is *not*

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always necessary for an application by summons to be brought, in order for a non-defaulting party to invoke the court's discretion under these provisions against a defaulting party. In *Syed Ahmad Jamal Alsagoff (administrator of the estate of Noor bte Abdulgader Harharah, deceased) and others v Harun bin Syed Hussain Aljunied (alias Harun Aljunied) and others and other suits* [2011] 2 SLR 661 ("*Syed Ahmad*") (at [26]–[27]), the issue before the High Court was whether certain orders made by the Registrar in May 1995 at a PTC in two sets of proceedings, OS 1052/1995 ("OS 1052") and OS 1234/1994 ("OS 1234") warranted the striking out of the present proceedings before the court on the ground of *res judicata*. The plaintiff in OS 1052, and the defendant in OS 1234, was one "Ali Group". The court noted that, at the said PTC, counsel for the other parties had invited the Registrar to strike out OS 1052 and for an order-in-terms of OS 1234 to be granted as counsel for the Ali Group had been absent at that PTC as well as the previous PTC, and the Registrar granted the orders sought. The court noted that the Registrar's orders, which effectively dismissed OS 1052 and gave judgment for the plaintiffs in OS 1234, were made pursuant to O 34A r 6(1) of the Rules of Court then in force, which is identical to O 34A r 6(1) of the revoked ROC. It appears that the Registrar had exercised the court's discretion under O 34A r 6(1) at the PTC pursuant to the invitation of the parties, and no application was brought beforehand.

36 The ROC 2021 is silent on whether an application by summons is required for a non-defaulting party to invoke O 9 rr 4(1) and 4(2). In my view, whether an application by summons is necessary depends on the circumstances of the case and what best furthers the Ideals in O 3 r 1, especially the Ideals of "expeditious proceedings" and "efficient use of court resources". The question to be asked is whether the circumstances of the case are such that the defaulting party should be afforded a final opportunity to respond and provide an

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explanation for the absence that is relied on by the non-defaulting party as grounds for invoking O 9 rr 4(1) and 4(2), *before* the court considers if it should exercise its discretion thereunder. In a case where the defaulting party has completely failed to participate in the proceedings and so is unlikely to respond to any further application brought against him or her, it would only result in unnecessary costs being incurred if the non-defaulting party were required to file an application by summons. The case of *Syed Ahmad* would appear to come within this category. On the other hand, where the defaulting party has been participative (for example, if he or she has been responsive to correspondence from the court or the non-defaulting party), I think an application by summons is necessary to afford the defaulting party a final opportunity to explain the absence. In such a scenario, if the court's discretion under O 9 rr 4(1) and 4(2) is exercised against the defaulting party without affording him or her an opportunity to respond, the defaulting party would most certainly bring an application to set aside any judgment or dismissal given. This effectively renders any judgment or dismissal obtained by the non-defaulting party a pyrrhic victory as the non-defaulting party must now go through the expense of resisting the setting-aside application. All these could be avoided if the defaulting party were given an opportunity explain the absence before the court's discretion is exercised.

37 In the present case, Ms Chia had absented herself from RCCs, but she remained participative in OC 379 as she had attempted to send her medical certificates to the Registry to excuse herself from attending (see [6(a)] and [7(a)] above). In a case like this, it would be appropriate for the court's discretion under O 9 rr 4(1) and 4(2) to be invoked by way of an application by summons (as GHP had done), to avoid the unnecessary litigation that would likely ensue

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when Ms Chia subsequently tries to set aside any judgment or dismissal ordered against her.

38 As a further observation, apart from O 9 rr 4(1) and 4(2) of the ROC 2021, a party faced with a defaulting party's persistent absences at RCCs can alternatively seek an 'unless' order to compel the defaulting party's attendance. This option differs from O 9 rr 4(1) and (2) in a few ways. First, an 'unless' order, if granted, does not result in the giving of judgment or dismissal of the action as an order under O 9 rr 4(1) and (2) does, but it gives the defaulting party a final opportunity at compliance. In the event the defaulting party breaches the condition stipulated in the 'unless order', then the consequence stipulated therein automatically comes into effect (see *Wuhu Ruyi Xinbo Investment Partnership (Ltd Partnership) v European Topsoho Sarl* [2025] SGCA 32 at [36]). Seen in that light, an 'unless' order stipulating judgment or dismissal as the consequence of any subsequent non-attendance at an RCC without valid reason might be a better option if what the non-defaulting party seeks is to safeguard against the defaulting party's future absences at future RCCs, since any further default would *automatically* result in the stipulated consequence coming into effect.

39 Secondly, the fact that a party attends at the most recent RCC which the court has convened in the matter after previous absences will *not* be an impediment to the making of an 'unless' order, whereas such attendance will be an impediment to the court's discretion being enlivened under O 9 rr 4(1) and (2), for the reasons I have explained earlier (at [26] above). This is because, even if the defaulting party attends at the most recent RCC, his or her conduct as a whole, including *previous* absences at RCCs, might nonetheless show that an 'unless' order is necessary to deter future instances of default.

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40 Thirdly, whether an 'unless' order stipulating the giving of judgment or dismissal of the action as the consequence of default can be viewed as an appropriate response to a party's absence at RCC(s) would ultimately depend on the circumstances of the case (see, for example, *Mitora* ([28] above) at [46]). However, it suffices to state that, where the facts do not persuade the court to exercise its discretion under O 9 rr 4(1) and (2) to give judgment or dismiss the action, it might nonetheless convince the court to grant such an 'unless' order. This is because the court's exercise of discretion under O 9 rr 4(1) and (2) entails the consideration of whether the defaulting party's absence(s) from RCCs ought to result in the deprivation of his or her substantive rights, whereas for an 'unless' order to be granted, it must be shown that the consequence of default stipulated in the 'unless' order is a necessary response to secure the defaulting party's compliance in the specific circumstances of the case (see *DFD v DFE and another* [2025] 3 SLR 362 at [63]; see also *Tan Tse Haw v Peh Tian Swee and another* [2025] SGHCR 9 at [37]). Therefore, even where the defaulting party's conduct is not viewed as sufficiently egregious to warrant the giving of judgment or dismissal of the action under O 9 rr 4(1) and 4(2), it can nevertheless warrant the making of an 'unless' order which stipulates the giving of judgment or dismissal as the consequence of default, to deter any further absences without valid reason by the defaulting party at future RCCs.

The court's discretion under O 9 rr 4(1) and 4(2) was not enlivened in this case

41 Returning to the present case, Ms Chia was clearly *absent* (in the literal sense) at the three RCCs which form the substratum of GHP's application in SUM 1663 – namely, the RCCs on 17 April 2025 and 15 May 2025, and the RCC on 26 June 2025. However, it needs to be further considered whether Ms Chia has demonstrated a valid reason for her absence. At the RCC on 10 July

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2025, Ms Chia informed the court that she does not wish to file any further affidavit in response to GHP's affidavit in SUM 1663 and would rely on previous affidavits filed in OC 379, but she would like to file written submissions. In her written submissions, as well as in her oral submissions at the hearing, most of Ms Chia's arguments dealt with the *merits* of the parties' cases in OC 379. I explained to Ms Chia at the hearing of SUM 1663 that this is not what SUM 1663 was about, and what is required was an explanation for her absence at the three RCCs in question. Ms Chia then explained, by way of oral submissions, that she had been aware of the RCCs but was unable to attend because of her medical condition which worsened or flared up at the very last minute. I questioned why this explanation had not been put in an affidavit filed in response to SUM 1663, and Ms Chia explained that she did not appreciate the need for these facts to be put on affidavit but stated that she would do so in the future.

42 I am cognisant of the starting point that self-represented parties like Ms Chia are subject to the same legal and procedural rules and while the court may be more indulgent of certain mistakes made, such indulgence is not expected as a matter of course (see generally, *Hoi Hup Sunway* ([33] above) at [17]–[24]). Further, the grounds on which the judgment and dismissal in SUM 1663 was sought would have been made amply clear to Ms Chia in the papers served by GHP on her. However, ultimately, whether and the extent to which a court should afford latitude to a self-represented person largely turns on the facts of each case (see *BNP Paribas SA v Jacob Agam and another* [2019] 1 SLR 83 at [99]). From my interactions with Ms Chia at the hearing of SUM 1663, I accept that she might not have fully appreciated the distinction between an order for judgment or dismissal granted on the basis of procedural default and one granted on the merits, and so she might have been of the view that all which she had to

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state in response in SUM 1663 were matters relating to the merits of GHP's claim or her counterclaim, which might possibly explain why she informed the court at the RCC on 10 July 2025 that she intended to rely on her previous affidavits filed in these proceedings to defend SUM 1663. From her conduct, I accept that it might not have squarely occurred to her that she had to provide an explanation for her absences at the three RCCs to persuade the court that judgment or dismissal under O 9 rr 4(1) and (2) not be given against her. I was therefore prepared to consider the explanations which Ms Chia provided about her absences by way of oral submissions at the hearing, even though the proper course is for these explanations to have been stated on an affidavit filed in response in SUM 1663.

43 That being said, at the hearing when I delivered my decision for SUM 1663, I took the opportunity to draw to Ms Chia's attention – albeit in simpler terms – O 3 r 5(5) and r 5(7) of the ROC 2021, which collectively state that: (a) a party who wishes to contest an application in an action must file and serve an affidavit within 14 days after being served with the application and the other party's affidavit; and (b) the affidavit must contain all necessary evidence in opposition to the application, such as statements of information or belief with sources and grounds clearly stated. To put these requirements in context, to the extent that Ms Chia relies on explanations for her absences at previous RCCs as evidence for why the judgment or dismissal sought by GHP in SUM 1663 should not be granted, these explanations must be contained in an affidavit filed by her in response to SUM 1663.

44 However, even if I am prepared to consider Ms Chia's oral explanations given at the hearing, I do not think they disclose any *valid* reason for her absence at the three previous RCCs. Ms Chia asked to be excused for each of those RCCs on medical grounds, and in these circumstances, para 89 of the SCPD sets out

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the applicable procedure. As the opening words of para 89(1) make clear, "any party to proceedings" who wishes to absent himself from Court on medical grounds must provide to Court an "original medical certificate" that is "in the proper form and contain[s] the information and particulars required by [paras 89(2)–89(5)]". Paragraphs 89(2)–89(4) in turn set out the information that such a medical certificate must contain and para 89(5) states that all information and details in any medical certificate or memorandum must be clearly and legibly printed. The SCPD can be accessed from the internet. The requirements in para 89 of the SCPD cannot be said to be obscure or inaccessible and it ought to apply (as the opening words of para 89(1) also make clear) without distinction to all self-represented parties in court proceedings. It is undisputed that the MCs which Ms Chia did provide to excuse herself from the RCCs on 17 April 2025 and 26 June 2025 failed to comply with para 89 of the SCPD 2021.[5] As for the RCC on 15 May 2025, Ms Chia did not even provide any MC to justify her absence.

45 However, Ms Chia did subsequently attend the RCC on 10 July 2025, and she also appeared at the hearing of SUM 1663 to contest the present application. As explained, the reference to "the case conference" in O 9 rr 4(1) and 4(2) of the ROC 2021 is a reference to most recent RCC which the court has convened in the matter (see [27] above), and *the RCC* for which Ms Chia's attendance is judged to determine if she is *absent* for the purposes of O 9 rr 4(1) and 4(2) would be the RCC on 10 July 2025. Given Ms Chia's *attendance* at the RCC on 10 July 2025, I do not think she could be regarded as "absent" from "the case conference" for the purposes of O 9 rr 4(1) and 4(2) and the court's

[5] Supporting affidavit at p 53; 28 Jul letter at p 5.

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discretion under O 9 rr 4(1) and 4(2) was not enlivened. No question of how this discretion should be exercised therefore arises.

46 However, even if I were wrong in that view, I find that the court's discretion under O 9 rr 4(1) and 4(2) should *not* be exercised in GHP's favour and against Ms Chia. In large part, this is in view of Ms Chia's attendance at the RCC on 10 July 2025. While Ms Chia's attendance at the hearing of SUM 1663 should not be a point in her favour – since it was obviously in her interests to attend and resist the judgment and dismissal sought by GHP – it still sheds light on her conduct and whether she could be characterised as a party who is "consistently absent" or persistently in default. Therefore, although Ms Chia's previous absences at RCCs were unacceptable, this is not a case where she had completely failed to participate in the proceedings, and coupled with her subsequent attendance at the RCC on 10 July 2025, Ms Chia's conduct as a whole is not revealing of a pattern of default which warrants the court exercising its discretion under O 9 rr 4(1) and 4(2) to give judgment or dismiss the action. Of course, I accept that GHP has suffered prejudice as a result of Ms Chia's previous absences, but the appropriate recourse for that lies in GHP being awarded costs, namely, the costs of SUM 1663, which was entirely brought about by Ms Chia's conduct, as well as wasted costs of the RCC on 26 June 2025, which was adjourned due to Ms Chia's absence. In my view, this strikes a proper balance between (a) procedural efficiency and holding Ms Chia to compliance with civil procedure rules (including the fundamental requirement of attending RCCs) and (b) the need to ensure a substantively fair and just outcome, in that judgment or dismissal should only be entered against Ms Chia where so warranted by her conduct.

47 For the reasons above, I dismissed prayers 1 and 2 of SUM 1663, in which GHP had sought judgment and dismissal of the action under O 9 rr 4(1)

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and 4(2) of the ROC 2021. For completeness, I do not think that my decision – whether on the basis of the court's discretion under O 9 rr 4(1) and 4(2) not being enlivened (*ie*, that the first stage is not satisfied: see [45] above) *or* on the basis that the court's discretion should not be exercised (*ie*, under the second stage: see [46] above) – risks condoning Ms Chia's behaviour. By virtue of the proceedings in SUM 1663, Ms Chia has been amply forewarned of GHP's intention to obtain judgment and dismissal under O 9 rr 4(1) and 4(2) against her on account of her absences at RCCs. Unless there are any new material developments or change in circumstances, and all other things being equal, if Ms Chia absents herself from a subsequent RCC, that will in and of itself be a significant factor in favour of GHP invoking O 9 rr 4(1) and 4(2) against Ms Chia without having to afford Ms Chia any further opportunity to respond. If the court is satisfied that Ms Chia is indeed absent without valid reason at the RCC, how exactly the court's discretion under O 9 rr 4(1) and 4(2) should be exercised would turn on the precise circumstances of the case at that point in time, and I make no further comment on that. The point here is, SUM 1663 is not futile simply because I decline to grant the judgment and dismissal sought by GHP, because it forms part of the procedural history and background which the court would take into account if it were invited to exercise its discretion under O 9 rr 4(1) and 4(2) against Ms Chia on a subsequent occasion. These were points which I had emphasised to Ms Chia at the hearing where I delivered my decision for SUM 1663, and they are also reasons why I considered it justified for Ms Chia to pay GHP the costs of SUM 1663, notwithstanding the dismissal of the application.

Whether the terms of JUD 246 could be varied

48 Given my conclusion above, the issue of whether JUD 246 could be varied to make NPG and Ms Chia jointly and severally liable under the same

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judgment did not arise for determination. However, let me briefly explain why I would not have agreed with GHP's position on this issue.

49 GHP submitted that, if judgment and dismissal were ordered against Ms Chia pursuant to prayers 1 and 2 of SUM 1663, JUD 246 should be varied as to make both defendants in OC 379 (*ie*, NPG and Ms Chia) jointly and severally liable under the same judgment. This was necessary to avoid GHP having to enforce two *separate* judgments against NPG and Ms Chia, which could lead to double recovery and therefore prejudice the defendants. GHP submitted that, while there was no express provision in the ROC 2021 dealing with the amendment of judgments and orders (*cf* O 20 r 11 of the revoked ROC), the court had an inherent jurisdiction to correct or clarify the terms of its orders or judgment to achieve justice between the parties, and the nature of the variation sought here was within the scope of that jurisdiction.

50 After a judgment or order is pronounced, the court retains a residual inherent jurisdiction to clarify the terms of the order and/or to give consequential directions (see *Godfrey Gerald QC v UBS AG and others* [2004] 4 SLR(R) 411 ("*Godfrey Gerald*") at [18]). This finds expression in O 20 r 11 of the revoked ROC, which states:

> **11.** *Clerical* mistakes in judgments or orders, or errors arising therein from any *accidental* slip or omission, may at any time be corrected by the Court by summons without an appeal.
>
> [emphasis added]

51 As explained in *Singapore Civil Procedure 2021* (vol I, Sweet & Maxwell) (at para 20/11/1), examples of "clerical mistakes" or an "accidental slip or omission" would include arithmetical errors in the calculation of damages or if there is some ambiguity in expression. Order 20 r 11 is reflective of the "slip rule" which provides that the court has an inherent power to correct

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errors in judgments or orders to give clear expression to its manifest intention in that judgment or order, which might have been thwarted by the error or inaccuracy (see *AAY and others v AAZ* [2011] 2 SLR 528 at [20]; Jeffrey Pinsler SC, *Singapore Civil Practice: Vol II* (LexisNexis, 2022) ("*SCP Vol II*") at para 35-28). However, the court's inherent jurisdiction does *not* extend to correcting substantive errors and/or in effecting substantive amendments or variations to judgments or orders that have been drawn or perfected (see *Godfrey Gerald* at [19]; *SCP Vol II* at paras 35-29 and 35-35).

52 The ROC 2021 does not contain any equivalent of O 20 r 11 of the revoked ROC. Given that O 3 r 2(2) of the ROC 2021 confers on a court broad general powers to "do whatever the Court considers necessary on the facts of the case … to ensure that justice is done" even where there is no express provision in the ROC 2021 on the matter, this suggests that the court retains the residual inherent jurisdiction to clarify the terms of a court order and/or to give consequential directions, such as the powers previously expressed in O 20 r 11 of the revoked ROC (see *SCP Vol II* at para 35-29).

53 In this case, the variation of JUD 246 sought by GHP was clearly *substantive* in nature since, if allowed, it would render an *additional party* (Ms Chia) liable under JUD 246. The variation of JUD 246 cannot be characterised as being clerical or clarificatory in nature. At the time when JUD 246 was granted (20 May 2025), SUM 1663 had not yet been taken out against Ms Chia. JUD 246 was granted pursuant to an application brought against NPG only. It could not have been the court's intention, in granting JUD 246, for that judgment to also be made binding on Ms Chia.

54 Therefore, it would not be within the court's residual inherent jurisdiction to grant the variation of JUD 246 as sought by GHP. I did not agree

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with the submission by GHP's counsel that the broad language of O 3 r 2(2) of the ROC 2021 had widened the scope of the court's powers to amend judgments or orders, to the extent that they encompassed substantive amendments of the type sought by GHP in SUM 1663. It could not have been the intention of the drafters of the ROC 2021 to broaden the court's powers of amendments in such a manner, given the absence of an express provision to this effect in the ROC 2021, especially where this clearly departs from established common law principles.

Conclusion

55 For the reasons explained above, I dismissed SUM 1663 as the court's discretion to give judgment or dismiss the action under O 9 rr 4(1) and 4(2) of the ROC 2021 was *not* enlivened. In any event, I consider that any such discretion should not be exercised, given the circumstances of the case. That said, Ms Chia's conduct has unacceptably caused GHP to incur costs in OC 379, and it is therefore entirely appropriate for Ms Chia to pay to GHP the costs of SUM 1663 as well as the costs of the RCC on 26 June 2025 which had been reserved.

56 For the costs of the RCC on 26 June 2025, I considered the sum of $400 (all in) as suggested by counsel appropriate and fixed them accordingly. For the costs of SUM 1663, I considered the sum of $4,000 (all in) appropriate, given that the affidavits filed in SUM 1663 were fairly brief and limited in scope and for its submissions in SUM 1663, GHP had also utilised parts of the written submissions and bundle of authorities which it prepared for a similar application for judgment and dismissal against NPG under O 9 rr 4(1) and 4(2) (see [5] above).

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Perry Peh
Assistant Registrar

Shermaine Ang (Aequitas Law LLP) for the claimant;
The second defendant in-person.

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