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

[2025] SGHC 250

General Division of the High Court — District Court Appeal No 9 of 2025
(Summons No 20005 of 2025)

Between

Hahnemann Travel & Tours
Pte Ltd

… *Appellant*

And

(1) Hasnah Bte Abdullah
(2) Amylia Abdul Ghani
(3) Amelina Abdul Ghani
(4) Abdul Ghani Bin Mohamed
Yusoff

… *Respondents*

GROUNDS OF DECISION

[Civil Procedure — Appeals — Amendment of notice of appeal]
[Civil Procedure — Striking out]

TABLE OF CONTENTS

FACTS **2**

SUMMARY OF THE PARTIES' ARGUMENTS **4**

ISSUES ARISING **5**

THE DECISION **5**

THE APPLICABLE LAW **6**

THE MORE STRINGENT STANDARD APPLIED TO SUM 20005 ..... **7**

SUM 20005 AMOUNTS TO AN APPLICATION FOR EXTENSION OF TIME TO FILE AN APPEAL 8

THE FACTS OF THE CASE WARRANTED THE APPLICATION OF THE MORE STRINGENT STANDARD 9

THE APPELLANT HAD MET THE REQUIREMENTS FOR AN EXTENSION OF TIME TO FILE AN APPEAL **12**

THE COSTS OF THE PROCEEDINGS BELOW **15**

Version No 1: 09 Dec 2025 (17:43 hrs)

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Hahnemann Travel & Tours Pte Ltd
v
Hasnah bte Abdullah and others

[2025] SGHC 250

General Division of the High Court — District Court Appeal No 9 of 2025
(Summons No 20005 of 2025)
Aidan Xu J
15, 25 September 2025

9 December 2025

Aidan Xu J:

1 HC/SUM 20005/2025 ("SUM 20005") concerned an application to amend a notice of appeal. The appellant sought to appeal against both the District Judge's decisions on the merits of the case and on costs in DC/OC 180/2022 ("DC 180"). However, its notice of appeal only referred to the District Judge's decision on costs. It thus sought leave to amend the notice of appeal to refer to both decisions. An objection raised by the respondent, amongst others, was that the appellant had yet to even pay the costs ordered in DC 180.

2 I allowed the application on the basis that it was in essence an application for an extension of time to file a fresh appeal. However, this was contingent on the appellant making full payment of the outstanding costs by 22 September 2025, failing which its appeal would be struck out automatically.

As the appellant failed to do so, its appeal stood struck out accordingly. The appellant has now appealed.

Facts

3 The appellant is a travel agent that provides travel services for Islamic religious pilgrimages, including the Umrah. The respondents are a family of four, two of whom (namely, the first and fourth respondents) participated in the Umrah organised by the appellant from 26 January 2022 to 8 February 2022.

4 The respondents, being dissatisfied with the appellant's services, filed a police report on 16 February 2022 against the appellant, and sent a complaint to six recipients on 18 February 2022. The appellant then commenced claims against the respondents for defamation, malicious falsehood and unlawful interference with trade.

5 On 3 January 2025, the District Judge dismissed the appellant's claim with costs ("3 January Decision").

6 On 22 January 2025, the appellant filed a Notice of Appeal ("Rejected NOA"), which was rejected on 23 January 2025 with the following remarks:[1]

> There is no hearing dated 8 Jan 2025. Please also consider whether the Notice of Appeal is premature as the Court has not determined costs yet. See ROC 2021, O 19 r 4.

7 On 25 February 2025, the District Judge ordered that the appellant pay costs of $65,000 and disbursements of $8,667.01 to the respondents for OC 180, while the respondents were to pay costs of $9,000 (all-in) to the appellant for their withdrawn counterclaim ("25 February Decision").

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[1] Affidavit of Mohammad Shafiq Bin Haja Maideen ("MSHM") at paras 7–8.

Version No 1: 09 Dec 2025 (17:43 hrs)

8 On 11 March 2025, the appellant filed a second Notice of Appeal ("Current NOA"). The Current NOA stated as follows:[2]

> Take Notice that an appeal has been filed by the Claimant to the General Division Of The High Court.
>
> 2. The appeal is against the whole of the decision of [the District Judge] in DC/OC 180/2022 given on 25-02-2025[.]

9 On 7 May 2025, the date by which the appellant was to file its Case under O 19 r 17(4) of the ROC, the appellant filed HC/SUM 20002/2025 ("SUM 20002"), seeking an extension of time to file its Case. It then filed its Case on 14 May 2025.

10 The respondents objected to the appellant's application in SUM 20002. Amongst other things, they argued that the appellant's Case concerned challenges on the substantive merits of the District Judge's decision, when the Current NOA only referenced the 25 February Decision and was therefore an appeal against the District Judge's decision on costs only.[3]

11 At the hearing for SUM 20002, the court directed that at this stage, the issue of the scope of the appeal, while potentially significant, was not before it and it would leave the parties to consider their position on that and how to proceed.[4]

12 Accordingly, on 19 August 2025, the appellant filed SUM 20005 to seek leave to amend the Current NOA to include the 3 January Decision, being the District Judge's decision on the merits.

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2 Notice of Appeal under Order 19 dated 11 March 2025.

3 Other Hearing Related Request dated 15 May 2025 at paras 9–13; Respondents' Written Submissions in SUM 20002 at paras 30–33.

4 Notes of Evidence dated 8 July 2025 at p 4 lines 15–19.

Version No 1: 09 Dec 2025 (17:43 hrs)

Summary of the parties' arguments

13 The appellant's argument was, in essence, that its intention was always to appeal against both the 3 January Decision and the 25 February Decision.[5] It had indicated as such in the Current NOA, which stated that the appeal was "against the whole of the [District Judge's] decision".[6] The amendment sought was therefore merely to correct an inadvertent failure to include the 3 January Decision in the Current NOA. As such, the more stringent standard for applications for extension of time to file an appeal should not apply. The amendment would not seriously prejudice the respondents, as they had notice of its intention to lodge an appeal on the merits from the appellant's Case, which was filed on 14 May 2025, and had ample time to file their respondents' Case, which had in any event addressed their substantive arguments.[7]

14 The respondents argued that the amendment sought was substantive as it would expand the scope of the appeal to the entirety of the District Judge's decision on the merits, rather than being confined to the issue of costs.[8] Given that by the time the Current NOA was filed, the appellant was already out of time to appeal against the 3 January Decision, this amendment application was brought as a backdoor attempt to circumvent the statutory time limits for appeals.[9] The omission of the 3 January Decision from the Current NOA was deliberate as the appellant had ample time to consider the filing of an appeal and had worded the Current NOA to specifically refer to the 25 February Decision

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5 Appellant's Written Submissions in SUM 20005 ("AWS") at paras 13 and 19.1.

6 AWS at para 16.

7 AWS at para 22.

8 Respondents' Written Submissions in SUM 20005 ("RWS") at paras 14 and 19–20.

9 RWS at paras 15–17.

Version No 1: 09 Dec 2025 (17:43 hrs)

and not the 3 January Decision.[10] As such, the amendment application was in essence an application for extension of time to file a fresh appeal and the more stringent standard should apply. The application was brought unreasonably late with no satisfactory explanation for the delay.[11] To allow the application would seriously prejudice the respondents, some of whom were old and ailing, by denying them finality of a judgment delivered nine months ago and allowing the appellant to prolong the litigation through procedural tactics. This was especially so as the appellant had yet to pay the outstanding costs of the proceedings below.[12]

Issues arising

15 The main issues were thus:

(a) whether the more stringent standard for applications for extension of time to file a notice of appeal should apply to the present application; and

(b) whether, applying the relevant standard, the application to amend the Current NOA should be allowed.

The decision

16 It could not seriously be denied that the amendment application, which sought to expand the scope of the appeal to include the 3 January Decision, was in substance an application for an extension of time to file a fresh notice of appeal. As such, I found that the more stringent standard for extension of time

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10 RWS at paras 22–31 and 33.

11 RWS at paras 37–39 and 42.

12 RWS at para 46.

Version No 1: 09 Dec 2025 (17:43 hrs)

applications should apply to the present application. Nevertheless, as the circumstances showed that the appellant was pursuing an appeal on the merits, I did not find it appropriate, even on the more stringent standard, to strike out the appeal at this stage. However, the costs of the proceedings below should have been paid forthwith. I allowed the application on the condition that the appellant pay the outstanding costs by 22 September 2025, failing which its appeal would stand struck out automatically.

The applicable law

17 The courts will generally lean in favour of allowing an amendment to a notice of appeal unless grave prejudice or hardship to the opposing party can be shown. In contrast, for applications for extension of time to file a notice of appeal, to ensure finality, the courts adopt a more stringent standard where it considers the following four factors: (a) the length of the delay; (b) the reasons for the delay; (c) the chances of the would-be appellant succeeding on appeal; and (d) the degree of prejudice to the would-be respondent, that cannot be compensated by costs, if the extension of time were granted (*Nail Palace (BBP) Pte Ltd v Competition and Consumer Commission of Singapore* [2023] SGHC 111 ("*Nail Palace*") at [11] and [31]).

18 In considering the applicable standard with which to determine an application to amend a notice of appeal, the court applies the following two-stage framework:

(a) First, the court will consider if the amendment has a material bearing on the merits and outcome of the appeal, such that the amendment application is in essence an application for an extension of time to file a fresh notice of appeal.

Version No 1: 09 Dec 2025 (17:43 hrs)

(b) Second, assuming that the amendment application is in substance an application for an extension of time to file a notice of appeal, the court then considers whether the amendment and its surrounding circumstances strongly engage the concerns of achieving even-handedness in the context of an adversarial system and thereby warrant the application of the more stringent standard. In so doing, the court will consider the following factors:

(i) whether the amendment raises a new point that was not canvassed previously;

(ii) whether the applicant had sufficient time to consider the filing of a notice of appeal but still filed the one for which the amendment is sought; and

(iii) whether the lower court's orders were sufficiently distinct and if the applicant decided to file a notice of appeal only with respect to some of those orders despite understanding this.

(See *Nail Palace* at [20]–[24]).

The more stringent standard applied to SUM 20005

19 SUM 20005 was in substance an application for an extension of time to file an appeal as the proposed amendment sought to include an appeal on the District Judge's decision on merits, which was not included in the Current NOA. Furthermore, the amendment sought and its surrounding circumstances strongly engaged the concerns of finality and achieving even-handedness in the context of an adversarial system, warranting the application of the more stringent standard.

Version No 1: 09 Dec 2025 (17:43 hrs)

SUM 20005 amounts to an application for extension of time to file an appeal

20 The appellant conceded that on the surface, the amendment appeared to be expanding the scope of the appeal. However, the appellant's intention was always to appeal both the 3 January Decision and the 25 February Decision, as evidenced by the filing of the Rejected NOA.[13] This intention was also evident from the Current NOA, which stated that its appeal was against "the whole of the decision", and the appellant's Case filed on 14 May 2025.[14] It also argued that given the Registry's rejection remarks, it was reasonable for the appellant to consider the appeal only after costs orders were made.[15]

21 The respondents argued that SUM 20005 was in substance an application for extension of time to file a fresh notice of appeal as the amendment was plainly substantive. If allowed, the appeal would cease to be confined to costs and would instead challenge the substantive judgment, where the time for such an appeal had long expired. SUM 20005 was a backdoor attempt to circumvent statutory time limits and avoid the higher threshold that extension of time applications demand.[16]

22 The appellant's intention to appeal on the merits, any prejudice accorded to the respondents, or whether it was reasonable to await costs orders before considering an appeal, had no bearing on whether the amendment materially affected the merits and outcome of the appeal and were issues better left for the later stages of the analysis. The court's focus in this first stage is on the original notice of appeal, and how the proposed amendment would change it. In this

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13 AWS at paras 13–14.

14 AWS at paras 16–17.

15 AWS at para 15.

16 RWS at paras 14–17.

Version No 1: 09 Dec 2025 (17:43 hrs)

regard, an amendment seeking to expand the appeal's scope to an appeal on the merits rather than merely on costs was evidently substantive.

23 In so far as the appellant suggested that the amendment was in essence not substantive as the Current NOA, as it stood, already included the 3 January Decision, that was not made out. On this point, the case of *Grassland Express & Tours Pte Ltd v M Priyatharsini* [2022] SGHC(A) 28 ("*Grassland*"), which was cited by the respondents,[17] was instructive. The appellant in *Grassland* had filed an appeal "against the whole of the decision … given on 16-03-2022". It then argued that its appeal was "against the whole of" the Judge's decision on liability and costs, despite the Judge having made his pronouncement on liability on 24 February 2022. The Appellate Division found that the phrase "the whole of the decision" must be read in the context of the stated date of 16 March 2022, wherein the Judge had decided on the issue of costs. Read in totality, the appeal was thus against the whole of the Judge's decision on costs only and not on the Judge's decision on liability: *Grassland* at [21]–[22]. Hence, following *Grassland*, the phrase "the whole of the decision" in the Current NOA would not extend the appeal to cover both the 25 February Decision and the 3 January Decision.

The facts of the case warranted the application of the more stringent standard

24 The appellant argued that the more stringent standard should not apply. In relation to the three factors set out in *Nail Palace*, it argued that:

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17 RWS at para 29.

Version No 1: 09 Dec 2025 (17:43 hrs)

(a) The proposed amendment was merely to correct a technical issue and did not raise and / or introduce a new point that was not canvassed in the proceedings below.[18]

(b) While the appellant had sufficient time to consider the filing of a notice of appeal, it had inadvertently excluded the 3 January Decision from the Current NOA.[19]

(c) While the District Judge's decisions were distinct, the rejection remarks provided in relation to the Rejected NOA had indicated to the appellant that the phrase "the whole of the decision" encompassed both the 25 February Decision and the 3 January Decision.[20]

25 The respondents argued that present application was directly analogous to that in *Nail Palace*, where the High Court held that the more stringent standard applied:

(a) The proposed amendment in this case, like that in *Nail Palace*, sought to add into the notice of appeal a decision that was not originally included. This was a substantive expansion of the scope of the appeal from an appeal on the discrete issue of costs to a challenge against the entirety of the substantive judgment.[21]

(b) The appellant had ample time to decide whether to appeal against the 3 January Decision: (i) 44 days until the appeal deadline of 16 February 2025 pursuant to O 19 r 14(1) read with O 19 r 4(1A) of the

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18 AWS at para 19.1.

19 AWS at para 19.2.

20 AWS at para 19.3.

21 RWS at paras 18–21.

Version No 1: 09 Dec 2025 (17:43 hrs)

ROC; and (ii) 67 days until the actual date of filing the Current NOA. This exceeded the 39 days accorded to the appellant in *Nail Palace*.[22]

(c) *Nail Palace* involved two distinct orders of court made on separate occasions. Similarly, the present case involved two distinct decisions made on different dates.[23]

26 I accepted the appellant's point that by this amendment, it merely sought to renew arguments that it had made in the proceedings below. However, the fact remained that the appellant had a substantial amount of time to consider the filing of the notice of appeal, and the District Judge's decisions on merits and costs were distinct and made on different dates. Yet, the appellant had not included any reference to the 3 January Decision in the Current NOA. In fact, it had drafted the Current NOA very specifically to be "against the whole of the decision … given on 25-02-2025", where there was existing case law on the interpretation of such wording. These factors strongly engaged the concerns of achieving even-handedness in the context of an adversarial system.

27 Another relevant circumstance was that, as noted by the respondents, by the time the appellant filed the Current NOA, it was out of time to appeal the 3 January Decision. The District Judge heard and made his decision on costs on 25 February 2025, more than 30 days after deciding on the merits on 3 January 2025. Hence, the time for appealing the 3 January Decision would have, at the latest, begun to run on 2 February 2025 pursuant to O 19 r 4(1A) of the ROC. Therefore, even if I accepted that the appellant had intended to appeal both decisions when filing the Current NOA, treating the amendment as merely

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22 RWS at para 22.

23 RWS at para 23.

Version No 1: 09 Dec 2025 (17:43 hrs)

technical on this basis would have allowed the appellant to retroactively circumvent the time bar on appealing the 3 January Decision.

28 Hence, for the reasons above, I found that the circumstances of the application warranted the application of the more stringent standard.

The appellant had met the requirements for an extension of time to file an appeal

29 As there were circumstances in this case that showed that the appellant was pursuing an appeal on the merits and that the respondent had been given notice of such at an early stage, I did not think it would be appropriate, even applying the stringent standard, to refuse the application.

30 The appellant argued that allowing its application would not cause the respondents grave prejudice that could not be compensated by costs. The respondents were given notice of the appellant's intention to appeal the 3 January Decision from the appellant's Case. The respondents also could not complain of prejudice regarding filing their respondents' Case as they could have filed it after the resolution of SUM 20005 but chose not to. Furthermore, the respondents' Case already dealt with the substantive issues of the 3 January Decision, meaning the amendment would necessitate no further work.[24]

31 The respondents argued that the appellant had offered no reasonable explanation for the gross and inordinate delay in bringing the application. This was especially considering the respondents had already objected to the expansion of the appeal on 15 May 2025.[25] The appellant had also failed to

[24] AWS at paras 21–22.

[25] RWS at paras 37–39 and 43.

Version No 1: 09 Dec 2025 (17:43 hrs)

articulate coherent grounds of appeal or file supporting material.[26] Further, the respondents, some elderly and suffering from health conditions, would suffer serious prejudice from the appellant being permitted to prolong the litigation through these procedural tactics. This prejudice was only worsened by the fact that the appellant's continuing refusal to pay the costs of the proceedings below.[27]

32 The delay of 185 days from 16 February 2025, the deadline for the appellant to file its appeal against the 3 January Decision, to 20 August 2025, which was when the appellant brought SUM 20005, was substantial. However, the delay had to be considered in light of the fact that the respondent was given notice of the appellant's intention to appeal against the 3 January Decision when the appellant's Case was filed on 14 May 2025. The imposition of the more stringent standard is based on the principle that a would-be respondent, having been granted a judgment in its favour, should not be kept waiting on tenterhooks to receive the fruits of its judgment: *Lee Hsien Loong* at [33]. Thus, whether the respondents had prior notice of the appeal was evidently relevant.

33 I also accepted that the circumstances showed that the appellant was pursuing an appeal on the merits. The filing of the Rejected NOA demonstrated an initial intention to appeal against the 3 January Decision. The filing of the appellant's Case, which included arguments challenging the District Judge's decision to dismiss its claim, showed that this intention persisted despite the appellant's failure to include the 3 January Decision in the Current NOA. As regards the appellant's failure to file an appeal against the 3 January Decision before 16 February 2025, I accepted the appellant's contention that it had only

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[26] RWS at para 45.

[27] RWS at para 46.

Version No 1: 09 Dec 2025 (17:43 hrs)

filed the Current NOA after the District Judge gave the 25 February Decision pursuant to the Registry's guidance that filing a notice of appeal before costs were determined may be premature.

34 In relation to the chances of the appeal succeeding, I did not agree that the appellant had "failed to even articulate coherent grounds of appeal". The respondents had not provided any elaboration on this point, nor did it expand on such in oral arguments.

35 Finally, I did not find that allowing the amendment would result in serious prejudice that could not be compensated by costs. Having accepted that the appellant's intention was to appeal against the 3 January Decision, I do not find that the amendment application was brought as an abuse of process. The respondents had also clearly been aware of the appellant's intention to appeal on the merits as they had raised objections on this ground in SUM 20002. In so far as the respondents argued that they had suffered prejudice as a result of SUM 20005 being filed only after they had already filed their Case, the appellant had informed them of its intention to file the amendment application and that the timeline for the respondents' Case would commence after the resolution of the application in its letter dated 10 July 2025. Thus, having chosen to file their Case before the filing or resolution of SUM 20005, the respondents cannot complain that they were prejudiced by having to address the defects in the Current NOA in their Case.

36 Given my findings above, I was of the view that it would be inappropriate to deny the appellant's appeal on the merits at this juncture.

Version No 1: 09 Dec 2025 (17:43 hrs)

The costs of the proceedings below

37 However, there remained the issue of the unpaid costs of the proceedings below.

38 This was not a relevant consideration as regards the appellant's application to amend the Current NOA; however, the fact remained that the costs should have been paid forthwith. The respondents had made multiple requests for payment, but received no response from the appellant.[28] The appellant's only explanation for its failure to pay was that the respondents had not applied to enforce the costs orders, and had the respondents done so, it would have applied for a stay pending the appeal. This explanation was insufficient. There was in fact no stay in force. As such, the costs remained due regardless of whether the respondents had applied to enforce the costs orders. When questioned further, the appellant still adamantly sought to resist making payment to the respondents despite confirming that it was able to make payment forthwith – first it suggested putting up security for the costs; then, it suggested that it could make payment to the respondents' solicitors, for the respondents' solicitors to hold those monies until the hearing of the appeal, citing for the first time concerns that the first and fourth respondents were old and infirm, and that the third respondent was based outside of Singapore. Taken together, this suggested to me that the appellant was not taking its obligation to pay the costs seriously. Pursuant to O 21 r 2(6) of the ROC, the court has the power to stay or dismiss proceedings, or make any other order as it deems fit, for non-payment of costs. Accordingly, I ordered that the costs of the proceedings below be paid

[28] Amylia Abdul Ghani's Affidavit dated 5 September 2025 at paras 10–14 and pp 19–21 and 30.

Version No 1: 09 Dec 2025 (17:43 hrs)

by 22 September 2025, failing which the appellant's appeal would stand struck out automatically.

39 Subsequently, on 23 September 2025, the respondents wrote in to court, stating that the appellant had failed to comply with this condition. After again seeking to make payment to the respondents' solicitors, instead of the respondents, and being rebuffed, the appellant had tendered payment of $64,667.01 by cheque to the respondents' solicitors' firm at 3.15pm on 22 September 2025.[29] Not only had the appellant completely disregarded the respondents' request for payment to be made by bank transfer to the second respondent's account, this payment would not result in receipt of cleared funds by 22 September 2025, as the cheque was delivered only 15 minutes before the 3.30pm cheque-deposit cut-off. More importantly, the cheque sum represented only partial payment of the outstanding sum, as it omitted post-judgment interest accruing until the date of actual payment under O 21 r 29 of the ROC.[30] This was despite correspondence sent by the respondents to the appellant notifying it of the interest then standing on both 18 September 2025 and 22 September 2025, after the receipt of the cheque.[31]

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29 Respondents' Letter to Court dated 23 September 2025 at paras 3–4.

30 Respondents' Letter to Court dated 23 September 2025 at paras 4–5

31 Respondents' Letter to Court dated 23 September 2025 at paras 5(b) and 6, and pp 13 and 17–18.

Version No 1: 09 Dec 2025 (17:43 hrs)

40 Thus, on 25 September 2025, it was recorded that as the appellant had failed to comply with the stipulations of the order, its appeal stood struck out accordingly.

Aidan Xu
Judge of the High Court

Mohammad Shafiq Bin Haja Maideen (M Shafiq Chambers LLC) for the appellant;
Mohamed Baiross and Sharifah Nabilah Binte Syed Omar (I.R.B. Law LLP) for the respondents.

Version No 1: 09 Dec 2025 (17:43 hrs)