1. This judgment DOES NOT need redaction.
2. Redaction HAS NOT been done.

District Judge Chiah Kok Khun
8 June 2026

**IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**

**[2026] SGDC 190**

District Court Originating Claim No 339 of 2024
Registrar's Appeal No 25 of 2026

Between

Carlson Clark Smith

… *Claimant*

And

(1) Goh Hin Calm
(2) James Moffatt Blythman
(3) Tow Kong Liang
(4) Chai Siew Hoon
(5) Joseph Chen
(6) Ng Fook San

… *Defendants*

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# JUDGMENT

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[Civil Procedure — Chief financial officer acting in person in making claims —Whether valid reason to disregard the rules and procedures — Whether leeway given to litigants in person]
[Civil Procedure — Pleadings — Striking out of pleadings — Chief financial officer making claims in defamation in relation to

his dismissal — Whether no reasonable cause of action — Order 9 rule 16(1)(a) Rules of Court (2021)]

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8 June 2026 Judgment Reserved.

**District Judge Chiah Kok Khun:**

## Introduction

1 On 9 April 2026, the underlying action ("OC 339") was struck out against the last remaining defendant (the 1st defendant). The learned deputy registrar ("DR") struck out the action on the basis the claim therein discloses no reasonable cause of action. The claimant, who acts in person, filed the present appeal against the DR's decision ("RA"). For the reasons below, I am dismissing the RA.

## Analysis and findings

### *The law on striking out*

2 I turn first to the law on striking out. The law in this regard is well established. The starting place is O 9 r 16(1) & (2) of the Rules of Court 2021 ("ROC 2021"), which provides as follows:[1]

> **Striking out pleadings and other documents (O. 9, r. 16)**
>
> **16.**—(1) The Court may order any or part of any pleading to be struck out or amended, on the ground that —
>
> (a) it discloses no reasonable cause of action or defence;
>
> (b) it is an abuse of process of the Court; or
>
> (c) it is in the interests of justice to do so, and may order the action to be stayed or dismissed or judgment to be entered accordingly.
>
> (2) No evidence is admissible on an application under paragraph 1(a).

3 The Court of Appeal provided guidance on the application of O 9 r 16(1)(a) in *Iskandar bin Rahmat and others v Attorney-General and another* [2022] 2 SLR 1018 ("*Iskandar*") as follows (at [17]):

> 17 Under O 9 r 16(1)(a) ROC, the test is whether the action has some chance of success when only the allegations in the pleadings are concerned: *Gabriel Peter & Partners (suing as a firm) v Wee Chong Jin and others* [1997] 3 SLR(R) 649 ("*Gabriel Peter*") at [21]. If that is found to be the case, then the action will not be struck out.

4 It is now settled that caselaw which pre-dates the implementation of ROC 2021 remains relevant in assessing the merits of a striking out application under ROC 2021: see *Asian Eco Technology Pte Ltd v Deng Yiming* [2023]

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[1] I have the occasion to discuss the law on striking out on the ground of no reasonable cause of action in another case: see *Rajib Kumar Dhali v Claudia Chia* [2025] SGMC 45.

SGHC 260 at [16]; *Iskandar* at [17]. Caselaw in respect of striking out applications which pre-dates the implementation of ROC 2021 would be in reference to O 18 r 19(1) of the Rules of Court 2014 ("ROC 2014"). Under O 18 r 19(1) of ROC 2014 an application can be struck out on the ground that: (a) it discloses no reasonable cause of action; (b) it is scandalous, frivolous or vexatious; (c) it may prejudice, embarrass or delay the fair trial of the action; or (d) it is otherwise an abuse of process of the court.

5 Order 9 r 16(1)(a), which allows any pleading to be struck out on the ground that it discloses no reasonable cause of action is identical to O 18 r 19(1)(a) of ROC 2014. In *Madan Mohan Singh v Attorney-General* [2015] 2 SLR 1085 ("*Madan*"), when discussing O 18 r 19(1) of ROC 2014, the Honourable Justice Quentin Loh (as he then was) stated as follows at [20]:

> 20 Under O 18 r 19(1)(a), a reasonable cause of action is one with some chance of success when only the allegations in the pleadings are considered (*The Tokai Maru* [1998] 2 SLR(R) 646 at [44]). An application discloses no chance of success if the applicant is unable to establish the requisite *locus standi*, and may be struck out as being without legal basis under this ground (see *Tan Eng Hong v AG* [2011] 3 SLR 320 at [5], citing *Abdul Razak Ahmad v Majlis Bandaraya Johor Bahru* [1995] 2 MLJ 287).

6 The test under O 9 r 16(1)(a) is thus whether the cause of action has some chance of success when only the allegations in the pleadings are considered. Further, if the requisite *locus standi* is not established, it is deemed to disclose no chance of success and may be struck out as being without legal basis under this ground.

7 Further, in "*The Bunga Melati 5"* [2012] 4 SLR 546 ("*The Bunga Melati*"), the Court of Appeal held that the court may strike out an action under O 18 r 19(1)(b) of ROC 2014 if the action was plainly or obviously unsustainable (at [32] and [33]). The Court of Appeal also held that a plainly or

obviously unsustainable action is an action which was either legally or factually unsustainable. An action could be said to be legally unsustainable if it was clear as a matter of law at the outset that even if a party were to succeed in proving all the facts that he offered to prove, he would not be entitled to the remedy sought. An action could be said to be factually unsustainable if it was possible to say with confidence before trial that the factual basis for the claim was fanciful because it was entirely without substance (at [39]).

8 The above represents the time-worn test for striking out a pleading on the ground that it discloses no reasonable cause of action, applicable in all instances of striking out a pleading on this ground. I would also refer to a passage in *Iskandar* that is of particular relevance in the present case before me. The Court of Appeal stated as follows at [33]:

> 33 In our judgment, given the nature of the Declaration Claim, this was a case where it was necessary to consider whether there was a viable claim to begin with. Just as the exploration of an interesting or important point of law cannot be undertaken by a court without an appropriate substratum of fact, the exploration of an interesting set of factual points cannot be undertaken without a viable legal claim. It is the confluence of a legal cause of action and the supporting substratum of fact that a court is concerned with in cases like the present. Hence, although the appellants present a robust case to the effect that there were factual points to be investigated, in our judgment, this would only be so if there was a viable legal cause of action that the factual averments could conceivably support. And this is where the appellants fail.

9 As seen, the Court of Appeal made it plain that the exploration of factual points cannot be undertaken without a viable legal claim. Even if there are factual points to be investigated in a case, it would only be so if there is a viable legal cause of action that the factual averments could support. In other words, factual assertions in a case would only be tried by the court if they are relevant to a valid cause of action. If a cause of action does not exist, there is no basis to

test the factual assertions in court. I would add that this reasoning extends likewise to evidential matters supporting the factual assertions. There is no purpose in a court examining those evidential matters when there is no cause of action.

10 I am mindful that the threshold for striking out is a high one (*Tan Eng Hong v AG* [2012] 4 SLR 476 at [20]), and the burden is on the party applying to strike out to prove the grounds for the application. The threshold to cross before any pleadings can be struck out is therefore stringent: *Gabriel Peter & Partners v Wee Chong Jin and others* [1997] 3 SLR 649 ("*Gabriel Peter"*). In *Gabriel Peter,* it was held that the power to strike out should only be exercised in plain and obvious cases and should not be exercised by a minute and protracted examination of the documents and the facts of the case in order to see if the plaintiff really has a cause of action. A reasonable cause of action was defined as one that has some chance of success when *only* the allegations in the pleading are considered. It is also said that so long as the statement of claim or the particulars disclose some cause of action, or raise some question fit to be decided by a judge, the mere fact that the case is weak, and not likely to succeed, is no ground for striking it out.

***The claimant has failed to plead how the 1st defendant was responsible for the drafting or publishing of the 1 March Announcement***

11 I return to the present case. The claimant's present action, OC 339 arises from the circumstances surrounding the claimant's loss of employment as a director and as the chief financial officer of Ipco International Ltd ("Ipco"). I am informed that Ipco is now known as Renaissance United Limited ("RUL").

12 The 1st defendant has in his written submissions filed on 4 May 2026 set out the background to OC 339.[2] The background includes the series of actions the claimant has commenced that relate to the claim in OC 339. That the claimant has commenced these actions is undisputable and for purposes of ease of reference, I set out the background as follows.

13 The claimant had commenced the following actions against various parties:

(a) On 19 August 2020, the claimant filed District Courts Suit No 1952 of 2020 ("DC 1952") against Ipco, Messrs Chai Siew Hoon, Joseph Chen and Ng Fook San. This was a defamation claim that eventually went to trial and the claimant lost.

(b) On 28 September 2020, the claimant filed District Courts Suit No 2290 of 2020 ("DC 2290") against the 1st defendant, the 2nd defendant and Meridian Equities Pte Ltd ("Meridian"). This matter proceeded to trial and the claimant's claim against the 1st defendant was dismissed with costs. In this connection, the trial centred on the claimant's claim in fraudulent misrepresentation as his other claim for unlawful means conspiracy against the 1st defendant was struck out via District Courts Summons No 3801 of 2022.

(c) On 25 February 2021, the claimant was sued by Ipco in Magistrate's Court Suit No 1653 of 2021 ("MC 1653") for $34,110.64. In turn, the claimant launched a counterclaim (which was transferred to the General Division of the High Court ("Suit 117")) and sought a declaration of wrongful termination and a sum of $1,040,230.

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[2] Paras 6-11 of the 1st defendant's written submissions dated 4 May 2026.

(d) On 16 October 2023, the claimant commenced District Courts Originating Claim No 1564 of 2023 ("OC 1564") against BDO Advisory Pte Ltd ("BDO"), Mr Chay Yiowmin, Smallcap Corporate Pty Ltd and Mr Zane Robert Lewis for alleged false representation based on the same factual matrix in DC 2290. OC 1564 has been struck out.

14 I note that at the trial of DC 1952, the learned trial judge had observed that he was "more concerned about the fact that it seems that multiple suits have been commenced in relation to one action and there is a doctrine of *res judicata*, also known as doctrine of abuse of process, for multiple suits to be commenced".

15 On 27 January 2023, the claimant entered into a settlement agreement with the 2nd defendant and Meridian in respect of DC 2290 whereupon the claimant, (a) received the sum of $17,500; and (b) was discharged from paying an outstanding costs order of $4,000 due to the 2nd defendant. The value of the settlement received by the claimant was therefore $21,500.00.

16 On 3 June 2023, the claimant reached another settlement with Ipco in respect of MC 1653 and Suit 117 whereupon the claimant (i) received the sum of $90,000 and (ii) was discharged from paying an outstanding debt of $55,210.87 due to Ipco. The value of the settlement received by the claimant was therefore $145,210.87.

17 With the above background in place, I turn back to OC 339. I note that OC 339 was commenced on 29 February 2024 whilst the trial in DC 2290 was ongoing. In OC 339, the claimant brought claims under the cause of action of defamation against various defendants. OC 339 relates specifically to the announcement made by Ipco *via* SGXNet on 1 March 2018 at 10:21 pm

("1 March Announcement"). The claimant's case is that the 1 March Announcement is defamatory of him.

18 I note at the outset that the claimant did not contend in his pleadings that the 1st defendant procured or directed the 1 March Announcement. It is undisputable that the facts show that the 1 March Announcement was issued by the order of the board of directors of Ipco. It was published in the name of the 5th defendant. I therefore do not see any basis to hold that the 1st defendant issued or published the 1 March Announcement. He was not a member of the board of directors of Ipco, nor RUL at any time. In this regard, the claimant contends that the question of whether he had pleaded that the 1st defendant procured or directed the publication was a point raised by the DR of his own motion at the very end of the hearing on 30 January 2026.[3] The claimant therefore says that the DR's decision turned on a technicality raised by the court on its own motion at the conclusion of the hearing.[4] This is misconceived. It is plain that the DR had made a finding at the end of the hearing that the claimant had failed to plead that the 1st defendant had procured or directed the 1 March Announcement. He is fully entitled to do so. He is in fact expected to make such findings which are necessary to determine the matter before him. It is also far from being a novel issue that the DR decided on his own motion as alleged by the claimant.[5] It is an issue that was front and centre of the application before him. The claimant's contention has no merit.

19 Next, I also note the claimant argues that the 1st defendant was responsible for issuing a termination notice, which he contends was almost

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3 Para 35 of the claimant's written submissions dated 4 May 2026.

4 Para 7 of the claimant's written submissions dated 4 May 2026.

5 Para 36 of the claimant's written submissions dated 4 May 2026.

verbatim with the 1 March Announcement. It is undisputable however that the defamatory statements pleaded in OC 339 are in the 1 March Announcement, and not the termination notice itself. For completeness, I would also allude to the claimant's contention that there is evidence that the 1st defendant used the board as a vehicle to defame the claimant. In this regard, he referred paragraphs 157 to 175 of the statement of claim to the DR. I agree however with the DR that there is no allusion in the pleadings to any averment that the 1st defendant was manipulating or controlling the board in the alleged manner. I note that the claimant contends that the 1st defendant was *de facto* or *de jure* a member of the board. But as noted by the DR, the claimant merely pleads that the 1st defendant was the interim chief executive officer ("CEO") of Ipco from 1 April 2015 to 14 March 2018. No reference is made as to how the 1st defendant was *de facto* or *de jure* a member of the board, or in any way influenced the board or any of its members.

20 It is trite law that parties are bound by their pleadings and the Court is precluded from deciding a matter that the parties have decided not to put into issue. The Court of Appeal in *V Nithia (co-administratrix of the estate of Ponnusamy Sivapakiam, deceased) v Buthmanaban s/o Vaithilingam and another* [2015] SGCA 56 held:

> 38 Thus, the general rule is that parties are bound by their pleadings and the court is precluded from deciding on a matter that the parties themselves have decided not to put into issue. As Sharma J said in *Janagi v Ong Boon Kiat* [1971] 2 MLJ 196 (approved in *OMG Holdings Pte Ltd v Pos Ad Sdn Bhd* [2012] 4 SLR 231 ("*OMG Holdings*") at [21]):
>
> > … The court is not entitled to decide a suit on a matter on which no issue has been raised by the parties. It is not the duty of the court to make out a case for one of the parties when the party concerned does not raise or wish to raise the point. In disposing of a suit or matter involving a disputed question of fact it is not proper for the court to displace the case made by a party in its pleadings and give effect to an entirely new case which

> the party had not made out in its own pleadings. The trial of a suit should be confined to the plea on which the parties are at variance.

21 It is seen that it is not for the court to make out a case for one of the parties when that party does not raise a matter. When there is a disputed question of fact it is not proper for the court to give effect to an entirely new case which the party had not made out in its own pleadings. In this regard, I refer to the claimant's contention that he should be allowed to amend the statement of claim to plead that the 1st defendant procured or directed the 1 March Announcement. In other words, the claimant is asking the court to allow him to make good what he did not contend in his pleadings in order to obviate the striking out of his claim. This would however be tantamount to the court making out a case for the claimant when he did not do so. To permit such an amendment at this stage is to give effect to an entirely new case which the claimant had not made out in his own pleadings. It would be improper for the court to allow the claimant to introduce a new case at this stage.

22 For completeness, I also refer to the claimant's contention that he had made similar arguments in the striking out application brought by the 2nd defendant and that striking out application was dismissed by another deputy registrar on 17 January 2025. The claimant suggests that the DR's decision to strike out his claim against the 1st defendant is thus inconsistent with earlier decisions of the court. This however is not so. The court has declined to strike out the claim against the 2nd defendant on 17 January 2025 because the court noted that the claimant has pleaded that the 2nd defendant had influenced Ipco's directors into publishing the SGX announcements. It was noted that the claimant has set out the role of each of the respective defendants in the statement of claim and pleaded at paragraph 7 that the 2nd defendant had exerted significant influence over the new directors, whose appointments he had just enabled. The

claimant also pleaded that the 2nd defendant was a *de facto* director of Ipco when the defamations were published.

23 As I noted above, these are the very particulars of pleadings that are lacking in the case against the 1st defendant. When pleading the role of the 1st defendant at paragraph 6 of the statement of claim, the claimant has stated that the 1st defendant was interim CEO of Ipco from 1 April 2015 to 14 March 2018. No reference is made to how the 1st defendant was *de facto* or *de jure* a member of the board, or in any way influenced the board or any of its members. Contrary to the claimant's assertions, the distinction between a *de facto* or *de jure* director and an interim CEO is far more than formalistic.[6] It is not "merely a matter of terminology"[7] nor "to penalize (*sic*) technical word-choice deficiencies" as contended by the claimant.[8] It is a factual distinction and a material fact that has to be pleaded, which the claimant has failed to do so. There is no merit at all in the claimant's suggestion of any perceived inconsistency in the court's decisions.

24 The action therefore discloses no reasonable cause of action. The claimant has failed to plead how the 1st defendant was responsible for the drafting or publishing of the 1 March Announcement. The claimant has also not pleaded how the 1st defendant was directly involved in the publishing of the alleged defamatory statements.

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6 Paras 22-23 of the claimant's written submissions dated 4 May 2026.

7 Para 40 of the claimant's written submissions dated 4 May 2026.

8 Para 45 of the claimant's written submissions dated 4 May 2026.

***The claim discloses no reasonable cause of action***

25 As discussed above, the test under O 9 r 16(1)(a), which allows any pleading to be struck out on the ground that it discloses no reasonable cause of action, is whether the cause of action has some chance of success when only the allegations in the pleadings are considered. I have made the finding above that no cause of action arises from the statement of claim as pleaded by the claimant. The claim against the 1st defendant has no chance of success when considering the pleadings alone. The claimant has failed to plead how the 1st defendant was responsible for the drafting or publishing of the 1 March Announcement. With that being the case, it follows that the claimant's claim fails the test under O 9 r 16(1)(a). There is no legal basis for the claim against the 1st defendant.

26 As well discussed above, an action could be said to be legally unsustainable if it was clear as a matter of law at the outset that even if a party were to succeed in proving all the facts that he offered to prove, he would not be entitled to the remedy sought. On the other hand, an action could be said to be factually unsustainable if it was possible to say with confidence before trial that the factual basis for the claim was fanciful because it was entirely without substance: *The Bunga Melati* at [39]. As I have found that the claimant has no legal basis for his claim, his claim is legally unsustainable. He therefore has no *locus standi* to commence his claim against the 1st defendant. As I have also discussed above, if the requisite *locus standi* is not established, it is deemed that a claim discloses no chance of success and may be struck out as being without legal basis under the ground that it discloses no reasonable cause of action: *Madan* at [20].

27 Further, also as discussed above, the exploration of factual points cannot be undertaken without a viable legal claim. Even if there are factual points to be

investigated in a case, it would only be so if there is a viable legal cause of action that the factual averments could support. As a cause of action does not exist in this case, there is no basis to test any factual assertions in court. It is likewise for any evidential matters supporting the factual assertions. There is no purpose in a court examining those evidential matters when there is no cause of action.

**Conclusion**

28 In view of all of the foregoing, I agree with the DR that the claimant's claim should be struck out in its entirety under O 9 r 16(1)(a) for failing to disclose any reasonable cause of action. The RA is dismissed.

29 For completeness, I would refer to the claimant's contention that the DR "mischaracterised the pleading requirements for a Litigant-in-Person".[9] The claimant also contends that:[10]

> A statement made by a self-represented person without knowledge of the technical case he is expected to meet should not constitute an informed or unequivocal abandonment of rights to seek a curative amendment once a specific deficiency was identified by the Court.

30 The claimant thus appears to suggest that the court should adopt an approach that is catered to the needs of self-represented person.[11] This is misguided. Whilst the claimant acts in person, it is not a valid reason for the claimant to disregard rules and procedures. As explained by the High Court in *Ong Chai Hong v Chiang Shirley* [2016] 3 SLR 1006

> 40 It is every layperson's right to represent himself or herself without the aid of counsel. Justice requires that courts do not apply professional standards to litigants in person, who

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9 Para 7 of the claimant's written submissions dated 4 May 2026.

10 Para 33 of the claimant's written submissions dated 4 May 2026.

11 Para 2 of the claimant's written submissions dated 4 May 2026.

> may be involved in a court proceeding for the only time in their lives. However, litigants in person are still subject to the same rules and procedure of court. Whilst the courts are cognisant of the fact that litigants in person are not legally trained, and are thus more indulgent of their mistakes, this does not mean that they can act without regard to these rules and procedures. …

31 It is seen that litigants in person are still subject to the same rules and procedure of court. Whilst the courts are cognisant of the fact that litigants in person are not legally trained, and are thus more indulgent of their mistakes, this does not mean that they can act without regard to these rules and procedures. Whilst some leeway will be given to them, any suggestion that litigants in person should be given special accommodation by the court is rejected. The lack of knowledge of court procedures is not to be used by litigants in person as an argument that injustice is thus caused by such lack of knowledge on their part.

32 I turn to the question of costs. There is no reason for costs not to follow the event in this case. The RA is dismissed and the claimant is to pay costs. As regards quantum, the relevant costs range provided in App H, Sect V of the State Courts Practice Directions 2021 is $1,000 to $5,000, in respect of district court cases. After considering the respective submissions on costs, the amount of work done, the time spent by parties, and the issues involved in the RA, I fix costs at $2,000 (inclusive of disbursements) to the 1st defendant. The costs order given by the DR is to stand.

Chiah Kok Khun
District Judge

claimant in person;
Nicholas Jeyaraj S/o Narayanan (Nicholas & Tan Partnership LLP)
for the 1st defendant.