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

[2026] SGHCR 36

Originating Claim No 271 of 2026 (Summons No 1725 of 2026)

Between

Lao Iok Sim (alias Liu Yuchan)

… *Claimant*

And

United Overseas Bank Ltd

… *Defendant*

GROUNDS OF DECISION

[Civil Procedure — Striking Out]
[Tort – Negligence – Breach of Duty]

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Lao Iok Sim (alias Liu Yuchan)
v
United Overseas Bank Ltd

[2026] SGHCR 36

General Division of the High Court — Originating Claim No 271 of 2026
(Summons No 1725 of 2026)
AR Ramu Miyapan
16 July 2026

18 August 2026

AR Ramu Miyapan:

Introduction

1 This is the defendant's application under O 9 r 16(1)(b) and (c), O 3 r 2, or in the alternative O 11 r 7 (a) of the Rules of Court 2021 ("ROC 2021") to strike out the claimant's statement of claim ("SOC") in HC/OC 271/2026 in its entirety. I heard the application on 9 July 2026, and delivered brief oral grounds on 16 July 2026, striking out the claimant's SOC in its entirety. Dissatisfied with my decision, the claimant has filed an appeal against it. I now set out my full reasons below.

2 This application, at its heart, does not turn on the merits of the underlying claim against the defendant but instead turns on the conduct of the claimant in course of the proceedings. In particular, the arguments before me

centred on the claimant's handling of a police report that she herself lodged and had subsequently relied on in her SOC.

Facts

3 The claimant's claim involves the loss of monies in the aggregate sum of S$500,000.00 which was deposited by her into a savings account no. 438-375-331-1 ("the Account") maintained with the defendant.[1]

4 On or around 9 June 2022, the claimant visited the defendant's branch at New Bridge Road (i.e. the People's Park Complex Branch) to open the Account.[2] On the same day, the claimant applied for personal internet banking, following which the defendant sent an SMS alert notification to the claimant's registered mobile telephone number.[3]

5 Subsequently, on 14 June 2022, the claimant set up a digital token on the UOB TMRW App.[4] The said digital token was set up with a One-Time Pin sent via SMS, the card number and Account PIN.[5]

6 The claimant made three separate transfers of S$200,000.00 to the Account on 17 June 2022, 18 June 2022 and 20 June 2022 respectively.[6] Between 17 June 2022 to 20 June 2022, ten transfers amounting to

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1 Fong Xian Jun, Benjamin's Affidavit dated 3 June 2026 filed on behalf of the defendant and in support of HC/SUM 1725/2026 ("DA1") at para 6

2 DA1 at para 7; Claimant's Reply Affidavit dated 26 June 2026 ("CA1") at para 7.

3 DA1 at para 8.

4 DA1 at para 10.

5 DA1 at para 10.

6 DA1 at para 11; CA1 at para 10.

S$500,000.00 were made out of the Account.[7] These transfers were performed via the claimant's UOB TMRW App and were authorised with the claimant's digital token.[8]

7 After each transfer was performed, the defendant sent an SMS alert notification to the claimant's registered mobile telephone number stating: "*You made or scheduled funds transfers totalling SGD 50,000.00 on [date]. If unauthorised, call +65 62550160.*"[9] Notwithstanding these ten SMS alert notifications, the claimant did not call or contact the defendant in respect of the same.[10]

8 On 20 June 2022, the defendant attempted to contact the claimant without success at 9.19 p.m. and 10.13 p.m. to clarify the transactions made from the Account.[11] As the defendant was unable to contact the claimant, the defendant blocked the Account.[12]

9 In short, the claimant's position is that "*a reasonably prudent banker, when faced with the same circumstances*" would not have effected the transfers despite the authorisations from the UOB TMRW App.[13] It should also be noted that in the SOC, the claimant never once mentioned that she was a victim of a scam.[14]

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7 DA1 at para 12; CA1 at para 9.

8 DA1 at para 13.

9 DA1 at para 14.

10 DA1 at para 16.

11 DA1 at para 18.

12 DA1 at para 19.

13 DA1 at para 21; CA at para 10.

14 DA1 at para 22.

The notice to produce and the police report

10 After the defendant had been served with the Originating Claim ("OC") and the SOC on 26 March 2026, the defendant filed and served its notice to produce documents referred to in pleadings ("the NTP") on 30 March 2026 on the claimant, wherein the defendant requested that the claimant produce, amongst other things, the police report ("the Police Report") referred to at paragraph 11 of the SOC.[15]

11 The claimant failed to respond to the NTP pursuant to the timelines stipulated in the ROC 2021.[16] Accordingly, on or about 7 April 2026, the defendant's solicitors wrote to the claimant's solicitors to respond to the same by 5 p.m. on 8 April 2026.[17]

12 On 9 April 2026, the claimant's solicitors responded by e-mail, suggesting that directions in respect of the NTP be sought during the case conference scheduled for 18 May 2026, so as to "*avoid any unnecessary costs*".[18] The defendant's solicitors disagreed with this position and brought to the claimant's attention the case of *Interactive Digital Finance Ltd v Credit Suisse A.G.* [2023] SGHC 198 ("*Interactive Digital Finance Ltd"*), which made clear that the defendant was entitled to production of the documents referred to in the SOC prior to the filing of the defence.[19] Despite being pointed to the defendant's right to the documents referred to in the SOC and the fact that the defendant was entitled to such documents before the filing of any defence, the claimant did not

15 DA1 at para 24; CA1 at para 14.

16 DA1 at para 26.

17 DA1 at para 26.

18 DA1 at para 27.

19 DA1 at paras 28-29.

at any material time respond to dispute the aforesaid and remained nonchalant to responding to the NTP.[20]

13 The defendant proceeded to file its Defence on 17 April 2026.[21] At the Registrar's Case Conference ("the RCC") on 18 May 2026, the claimant's solicitors sought to persuade the court to disregard the case of *Interactive Digital Finance Ltd*.[22] However, the court disagreed with the claimant and directed, amongst other things, that the claimant was to produce the documents set out in the NTP by 25 May 2026.[23] In response, the claimant's solicitors informed the court that the claimant would be disclosing a redacted copy of the Police Report.[24]

14 On 25 May 2026, the claimant produced a redacted copy of the Police Report.[25] The defendant's solicitors subsequently wrote to the claimant's solicitors to seek confirmation as to the basis of the redaction.[26] This was especially because the claimant's solicitors did not file any notice where documents may be inspected ("the Notice of Inspection") or a notice of objection to produce for inspection ("the Notice of Objection") – setting out the claimant's basis for her redaction of the Police Report.[27]

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[20] DA1 at para 31.

[21] DA1 at para 34.

[22] DA1 at para 45.

[23] DA1 at para 46.

[24] DA1 at para 48.

[25] DA1 at para 49; CA at para 20.

[26] DA1 at para 51.

[27] DA1 at para 52.

15 On 29 May 2026, the claimant's solicitors subsequently provided the defendant with an unredacted version of the Police Report.[28] However, the claimant did not provide the defendant with a basis for the redaction of the Police Report.[29] To date, the claimant has failed to provide the defendant with a basis for the redaction of the Police Report and failed to file the Notice of Inspection or the Notice of Objection.[30]

The Legal Framework

General principles on striking out

16 Under O 9 r 16(1) of the ROC 2021, the court may strike out pleadings on the grounds that they:

(a) disclose no reasonable cause of action or defence;

(b) are an abuse of process of the court; or

(c) if it is in the interests of justice to do so.

17 The bar for striking out is deliberately set high and should be exercised sparingly, only in very exceptional cases. As emphasised in *Envy Asset Management Pte Ltd (in liquidation) v Lau Lee Sheng* [2024] SGHC 38 at [17], citing *Leong Quee Ching Karen v Lim Soon Huat* [2023] 4 SLR 1133 at [25]–[26], the applicant bears the burden of proving that the claim is "obviously unsustainable, the pleadings [are] unarguably bad and it must be impossible, not just improbable, for the claim to succeed before the court will strike it out".

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28 DA1 at para 55; CA at para 20.

29 DA1 at paras 54-56.

30 DA1 at paras 57-58.

18 Under limb (b), the court can strike out pleadings which constitute an abuse of process of the court. The inquiry here includes considerations of public policy and the interests of justice, and signifies that the process of the court must be used bona fide and properly and must not be abused; the court will prevent improper use of its machinery and the judicial process from being used as a means of vexation and oppression in the process of litigation.

19 Under limb (c), the "interests of justice" ground gives effect to the Court's inherent jurisdiction to prevent injustice which is engaged where a claim is plainly or obviously unsustainable – *Asian Eco Technology Pte Ltd v Deng Yiming* [2023] SGHC 260 ("*Asian Eco Technology*") at [16(b)], citing *The "Bunga Melati 5*" [2012] 4 SLR 546 ("*The "Bunga Melati 5*"") at [33]. A claim is legally unsustainable if "it is clear as matter of law at the outset that even if a party were to succeed in proving all the facts that he offers to prove he will not be entitled to the remedy that he seeks" (The "*Bunga Melati 5*" at [38]). A claim is factually unsustainable if "it is possible to say with confidence before trial that the factual basis for the claim is fanciful because it is entirely without substance" (at [37]–[38]).

20 As further noted in *Asian Eco Technology* at [17], the "interests of justice" ground under limb (c) is "residuary in nature and is intended to empower the court to terminate [an] action or dismiss a defence or make any other appropriate order if this outcome is necessary to achieve the interests of justice".

21 Under O 11 r 7 of the ROC 2021, if any party fails to comply with any order made by the court under that order, the court may, amongst other things, order that the action be dismissed or that the defence be struck out and judgment be entered accordingly.

22 The applicable principles governing the exercise of this discretion were set out in *Alliance Management SA v Pendleton Lan P* [2008] 4 SLR(R) 1 ("*Alliance")*. The court in *Allianc*e observed that there were four instances in which the court may, in the exercise of its discretion, strike out the pleadings for non-compliance with the rules of court:

> (a) the defaulting party has deliberately or wilfully failed to comply with an "unless order";
>
> (b) the defaulting party has failed to comply with successive non-peremptory orders for discovery so that the default is clearly contumacious;
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> (c) the consequence of the failure to comply with a rule of court or order requiring discovery is such that there is a serious or real risk that a fair trial may no longer be possible; and
>
> (d) the failure to comply with a rule of court or order requiring discovery is due to the deliberate suppression of evidence which justifies a striking out of the pleadings even where a fair trial was still possible.

23 In *Btech Engineering Pte Ltd v Novellers Pte Ltd* [2019] SGHC 171 ("*Btech"*), the court confirmed that the power under O 24 r 16(1) of the Rules of Court 2014 (which is equivalent to O 11 r 7(a) of the ROC 2021) extends to a party's failure to give discovery of documents pursuant to a NTP, and not merely to failures to comply with court orders for discovery. The court in *Btech* noted that although the general test is whether there is a real or substantial risk that the default will render the fair trial of the action impossible, cases involving contumacious conduct — such as the deliberate destruction or suppression of a

document or the persistent disregard of an order of production — may nevertheless warrant an order for striking out even if a fair trial is still possible.

24 In *DFD v DFE* [2024] SGHCR 4 ("*DFD*"), the court further elaborated on the circumstances in which the discretion to strike out may be exercised. The court held that the discretion to strike out may be exercised in circumstances involving:

(a) procedural abuse or questionable tactics;

(b) peremptory orders where the basis of the failure to comply with a peremptory order was contumacious; or

(c) repeated and persistent defaults of the rules of court or non-peremptory orders amounting to contumacious conduct.

25 Instances for limbs (b) and (c) above, would include cases where the defaulting party failed to comply with successive non-peremptory orders for discovery, or where the failure to comply is due to a deliberate suppression of evidence by the defaulting party. At the opposite end of the spectrum were cases of ordinary procedural defaults of a technical complexion, which were unlikely to give rise to the exercise of the discretionary power to strike out.

26 In *K Solutions Pte Ltd v National University of Singapore* [2009] SGHC 143, the court observed that the intention behind the destruction is crucial, but even a deliberate destruction will not necessarily lead to a striking out. All the circumstances have to be considered. It may be that notwithstanding the deliberate destruction, a striking out should not be ordered because, for example, there is other evidence of the document destroyed or the document destroyed is not critical in the totality of all the available evidence. This is not

to say that the test is whether a fair trial is possible — the court may order a striking out even if a fair trial is still possible.

Analysis and decision

Whether the claimant deliberately suppressed evidence

27 The crux of the defendant's application lies in what it characterises as a deliberate and dishonest suppression of material evidence by the claimant. Upon comparing the Police Report previously provided by the claimant with the redacted Police Report, the defendant contends that the claimant has deliberately failed to plead the true version of facts in an attempt not to weaken her case, and that by doing so, the claimant has suppressed evidence which is detrimental to her case.[31]

28 The discrepancies between the Police Report and the SOC are significant and go to the very heart of the claimant's case. Notwithstanding the Police Report filed by the claimant, the claimant then presented a false version of events in her SOC.[32] This false version of facts was materially different from the version of events in her Police Report, which the defendant characterises as the true version.[33]

29 The key differences between the two accounts may be summarised as follows. According to the Police Report, the claimant was instructed by a person purporting to be a Chinese police officer to create a UOB savings account with internet banking, and she provided that person with her internet banking

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[31] Defendant's written submissions dated 3 July 2026 ("DWS") at para 2; DWS at paras 46-58.

[32] DWS at para 91.

[33] DWS at para 91.

username and password.[34] The Chinese police officer also told the claimant not to access or check on her bank accounts.[35] The claimant only became aware that she had been scammed when she was subsequently contacted by real Singapore Police Force officers.[36] In stark contrast, the claimant's pleaded case in the SOC averred that no internet banking facilities were required by or issued to her, that she did not activate the UOB TMRW application, that it was never her intention to transfer any amounts from the Account, and that she had no knowledge of and did not consent to the setting up of internet banking and the withdrawals from the Account.[37]

30 I pause here to emphasize that these are not minor discrepancies that could easily be overlooked. In fact, they go to the very heart of the claimant's case. Put simply, there are basically two versions of events. The first being that the claimant was an unsuspecting victim of a scam. The second being, she had knowingly set up the internet banking account herself and had thereafter passed her credentials to a third party, acting on the instructions she believed to be a police officer. On these two accounts, there can be no middle ground.

31 The claimant's response to these allegations was, in essence, that the defendant had already been in possession of the Police Report since as early as 27 June 2022, and that there was therefore "*no foul play or discrepancy to be cured*".[38] The claimant had in her affidavit explained and substantiated with evidence that the defendant had as early as 27 June 2022 already had possession,

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34 DWS at para 93.

35 DWS at para 93.

36 DWS at para 93.

37 DWS at para 93.

38 Claimant's written submissions filed on 8 July 2026 ("CWS") at para 14.

custody and control of the Police Report, and that even the defendant's solicitors themselves had admitted to the defendant's receipt of the Police Report.[39] The claimant further argued that because the defendant was fully apprised of the contents of the Police Report, it was able to plead its defence with reference to those facts, and that there was accordingly no prejudice caused to the defendant.[40]

32 I am unable to accept this argument. The mere fact that material information and documents were already in the defendant's possession, power and custody does not mean that the claimant is entitled to suppress such material information and documents, or that the court should overlook or condone the claimant's conduct of suppressing such material information and documents.[41] The question before me is not with regard to the prejudice caused to the defendant given the deprivation of evidence it did not already possess, but rather whether the claimant's conduct as a whole is deserving of the striking out of her claim. Several matters bear on this. First, the claimant's deliberate election to plead facts that run counter to the contemporaneous Police Report lodged by the claimant. Second, her initial production of a redacted copy of the Police Report that appeared not only self-serving but also came accompanied by no explanation as to why portions were redacted.

33 The defendant also highlighted that in the claimant's affidavit to this application, the claimant has completely remained silent regarding her conduct of suppressing evidence in the form of the claimant's selective redactions of the

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39 CA1 at para 12; CA1 at para 16; CWS at paras 11-13.

40 CA1 at paras 17-20; CWS at paras 13-14.

41 DWS at para 104.

Police Report.[42] The claimant also failed, refused and neglected to provide the basis for her redactions of the Police Report despite multiple requests from the defendant.[43] In my view, the absence of any explanation for the selective redactions is deeply troubling. If indeed there was a genuine explanation for the redactions, be it, on the grounds of privilege or otherwise, it lies in the claimant mouth to state so, but her silence on this point speaks volumes.

34 Having considered the submissions of both parties and the relevant authorities, I am satisfied that the claimant's conduct in these proceedings amounts to a deliberate suppression of material evidence. My reasons are as follows.

35 First, a comparison of the claimant's Police Report with her SOC leads to the conclusion that the manner in which the SOC was drafted was not the product of inadvertence or imprecise pleading. The discrepancy between the two documents goes to the very core of the claimant's case. Had the claimant pleaded the facts disclosed in the Police Report — namely, that she had been instructed by a person purporting to be a Chinese police officer to open and set up internet banking, that she had provided that person with her internet banking credentials, and that she had been told not to access or check her bank accounts — this would have significantly undermined her case that she had no knowledge of, and did not consent to, the setting up of internet banking or the transfers from her account. In my view, the claimant's omission of these material facts from her SOC was deliberate.

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42 DWS at paras 100-101.

43 DWS at para 102.

36 Second, equally telling is the claimant's decision to initially produce to the defendant a selectively redacted copy of the Police Report. More significant still is her inability to explain the basis for those redactions. The claimant unmeritoriously attempted to persuade the court at the RCC on 18 May 2026 that she should not have to produce the Police Report.[44] When she was directed to do so, the claimant was already prepared to inform the court that she would be redacting the Police Report in a further premeditated and deliberate attempt to conceal the true version of the facts.[45] This is particularly troubling, as it suggests that the claimant had, from the outset, pre-planned the production of a redacted version of the Police Report to the defendant — and had done so even before any directions were given by the court to that effect. This, in my view, strongly suggests that the claimant was, from the very outset, fully aware of the damaging nature of the redacted contents, and was determined to withhold them from both the defendant and the court.

37 Third, what is most troubling is the claimant's persistent silence in the face of the defendant's repeated requests for an explanation of the redactions made to the Police Report.[46] In my view, such silence is difficult to reconcile with any suggestion that the redactions were made on a legitimate basis. The claimant produced a redacted copy of the Police Report on 25 May 2026 instead of an unredacted copy.[47] When the defendant sought confirmation as to the claimant's basis for the redaction, the claimant's solicitors stated that they needed "time to take further instructions from the claimant", notwithstanding that the basis for the redaction is a legal one in which the claimant's instructions

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44 DWS at para 51.

45 DWS at para 51.

46 DWS at paras 100-102.

47 CA1 at para 49; DWS at para 52.

are irrelevant.[48] Moreover, the claimant should have and would have already known the basis for the redaction when the redacted copy of the Police Report was produced on 25 May 2026.[49] The claimant's inability or unwillingness to articulate any basis for the redactions — whether privilege, confidentiality, or otherwise — strongly suggests that no legitimate basis existed.[50]

38 Fourth, the claimant's belated attempt to characterise the earlier provision of the Police Report to the defendant as having been made on a "without prejudice" basis is, in my view, an afterthought.[51] It was at this time that the claimant had realised that she had previously provided a copy of the Police Report to the defendant.[52] As such, in a further attempt to prevent the true version of the facts from being put before the court, the claimant belatedly sought to claim that the Police Report was previously provided to the defendant on a without prejudice basis.[53] This seems highly improbable. Based on logic alone, I note that the defendant highlighted that the claimant is described in her own SOC as an aged Chinese-speaking lady who does not understand nor speak the English language.[54] This therefore makes it implausible that she would have understood the legal concept of "without prejudice" when providing the Police Report to the defendant's representative at the branch.[55]

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48 DWS at para 52.

49 DWS at para 52.

50 DA1 at para 105.

51 DWS at para 55.

52 DWS at para 53.

53 DWS at para 53.

54 DWS at para 54.

55 DWS at para 54.

39 Fifth, and perhaps most significantly, the claimant's affidavit is conspicuously silent on the question of why she had selectively redacted the Police Report.[56] Save for a bare assertion that the claimant disagreed with the defendant's allegation that her conduct of not pleading certain facts equated to her being dishonest and having the intention to suppress evidence,[57] the claimant has completely sought to gloss over her conduct. In my view, where conduct becomes questionable on its face, it is only natural to expect a party to furnish a legitimate explanation for it. The claimant's silence on this critical issue, in the circumstances, permits only one inference: that no such explanation exists to be given.[58]

40 I am therefore satisfied that the claimant deliberately suppressed material evidence by:

(a) omitting from her SOC facts that were adverse to her case but which she had herself recorded in her Police Report;

(b) initially producing a selectively redacted copy of the Police Report without any stated basis for the redactions; and

(c) persistently failing to provide any explanation for those redactions despite multiple requests from the defendant and the court's direction to comply with the NTP.

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56 DWS at para 100.

57 DWS at para 101.

58 DWS at para 105.

Whether a fair trial remains possible

41 Having considered in depth the discrepancies between the Police Report and the SOC, I am satisfied that they are indeed serious in nature. I therefore accept the defendant's primary submission that the claimant's conduct has rendered a fair trial impossible.[59] The redactions in the Police Report were critical as it contained material facts that were adverse to the claimant's case and detrimental to the claimant's pleaded position in her SOC.[60]

42 However, I do not need to make a definitive finding on whether a fair trial is still possible, because I am satisfied that the claimant's conduct independently warrants a striking out on the ground of abuse of process under O 9 r 16(1)(b) of the ROC 2021.[61] As the authors of the *Singapore Civil Procedure 2025, Volume 1 (Sweet & Maxwell Asia, 2025)* (*"Singapore Civil Procedure 2025"*) have observed, an abuse of the process of Court can operate independently as a separate ground for striking out an action and is not dependent on whether there is any prejudice sustained by the defendant or whether a fair trial is no longer possible.[62] I will elaborate on my reasons below.

Whether the claim constitutes an abuse of process

43 At the time the SOC was filed, the claimant was represented by solicitors, and it may reasonably be inferred that both she and her solicitors were well aware of the contents of the Police Report. Against this backdrop, it is difficult to fathom how the SOC came to omit the most damaging facts —

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59 DWS at para 86; DWS at paras 89-118.

60 DWS at para 57.

61 DWS at paras 123-124.

62 DWS at para 81.

namely, that the bank account and internet banking had been set up on the instructions of a third party, and that the claimant had thereafter provided her credentials to that same third party.[63] In my judgment, this was not an oversight, but a deliberate attempt by the claimant to present to the court only the most favourable version of events.

44 The defendant highlighted that the claimant has completely neglected to plead, in her SOC, the following material facts which are evident from the Police Report:[64]

(a) the claimant opened the Account on the instructions of a third-party;

(b) the claimant did not inform any of the representatives of the defendant that she had opened the Account on the instructions of the third-party or as part of an investigation;

(c) the claimant herself did not even realise that she was allegedly a victim of a scam; and

(d) the claimant herself was complicit in any alleged fraud.

45 Taken as a whole, I agree with the defendant that the claimant's conduct is marked by deliberate concealment and suppression of material facts, which cannot be shielded by any claim of procedural default.[65] This is borne out by at least three distinct aspects of her conduct: first, her deliberate failure to comply with the NTP, coupled with her attempt to persuade the court to disregard the

63 DWS at para 125.

64 DWS at para 125.

65 DA1 at para 73; DWS at paras 119-122.

applicable legal principles; second, her production of a selectively redacted Police Report without explanation; and third, her silence in her affidavit on the very conduct of which the defendant complained.[66] Such conduct, in my view, amounts to an abuse of process. It is readily apparent that the claimant has sought to use the machinery of the court to advance a case which she herself knows to be inconsistent with the true facts surrounding her bank account with the defendant, and I find it difficult to discern any genuine or legitimate relief sought in the SOC.

Whether the claim is legally and factually unsustainable

46 In the alternative, I am also satisfied that the claimant's claim is both factually and legally unsustainable, such that it ought to be struck out under O 9 r 16(1)(c) of the ROC 2021 as well.[67]

47 On the question of factual sustainability, the claimant's claim is factually unsustainable as it is clear beyond question that the facts pleaded in the claimant's SOC are materially contradicted by the claimant's own version of events in the Police Report.[68] These discrepancies cast serious doubt on the credibility of the claimant's SOC.[69] A claim whose factual foundation is directly contradicted by the claimant's own contemporaneous account cannot be said to have a sustainable factual basis.

48 On the question of legal sustainability, even assuming that all the pleaded facts are true, the claimant would not be entitled to the remedy she seeks

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[66] DA1 at paras 64-70; DA1 at paras 99-106.

[67] DWS at paras 129-137.

[68] DWS at para 130.

[69] DWS at para 131.

as the defendant seems to be excluded from liability by way of UOB TMRW's Terms and Conditions Governing Digital Services, which governs the banking relationship between the claimant and the defendant.[70] Pursuant to Clauses 9.1 to 9.3 of those Terms and Conditions, it provides that the defendant is not liable to the claimant for any alleged losses she had suffered.[71] The claimant's solicitors submitted at the hearing that the contractual limitation clause had not been pleaded and should therefore not be given substantive weight. I note, however, that the defendant's defence had made reference to the UOB TMRW's Terms and Conditions Governing Digital Services, and the claimant was therefore on notice of the defendant's reliance on those terms. In any event, given my findings on the abuse of process ground, it is not strictly necessary for me to reach a definitive conclusion on the question of legal sustainability, and I say no more about it.

The claimant's remaining arguments

49 I turn now to address the remaining arguments advanced by the claimant in opposition to the application.

50 The claimant argued that the defendant had been in possession of the Police Report since as early as 27 June 2022, and that the defendant's own representative had admitted to having received the Police Report at the People's Park Complex Branch.[72] The claimant further argued that the contents of the defendant's letter dated 21 July 2023 showed that the defendant had been fully apprised of the facts of the claimant's case, including the involvement of scammers, and had reviewed and rejected the claimant's request for a refund of

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70 DWS at para 134.

71 DWS at para 135.

72 CWS at paras 11-113.

her monies.[73] On this basis, the claimant submitted that there was no suppression of the Police Report because it had been provided to the defendant long before the commencement of these proceedings, and that the defendant was accordingly able to plead its defence without any prejudice or unfairness.[74]

51 Having already addressed the substance of this argument above, I would only add that the claimant's submissions appear to miss the wood for the trees. It has always been clear, from the submissions before me, that the defendant's complaint was never that it had been deprived of the Police Report, but rather that the claimant had deliberately chosen to plead, in her SOC, a version of events materially inconsistent with the contents of the Police Report.[75] The fact that the defendant happened to possess an earlier copy of the Police Report does not, in any way, excuse or justify the claimant's conduct. As the court in *DFD* observed, a striking-out order serves to rectify a situation where the defaulting party's conduct was so contumelious and egregious that a continuation of the action would amount to an abuse of the court's process, so that it is necessary for the action to be struck out to ensure that the court's processes do not be misused as a means of achieving injustice. In other words, the propriety of a striking out order does not turn on whether the other party was ultimately prejudiced in terms of access to information, but rather on the manner in which the defaulting party's conduct breached its relevant obligations.

52 The claimant further argued that the defendant had, in the course of these proceedings, displayed instances of dishonesty and unreasonable conduct, and

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73 CWS at paras 11-13;

74 CWS at paras 10-14; CWS at paras 18-21.

75 DWS at paras 91-96.

relied on two examples in this regard.[76] First, the claimant submitted that the defendant had imposed an unreasonably short timeframe for her response on the reasons for the redactions, the relevant email having been sent on 27 May 2026 — a public holiday — which the claimant contended was calculated to interfere with her ability to instruct solicitors.[77] Second, the claimant submitted that the defendant had never been sincere in pursuing alternative dispute resolution, given that it had filed the present application a day after the claimant's offer to settle, and had swiftly rejected that offer on 5 June 2026 — a mere two working days after the application was filed.[78]

53 While I am able to appreciate that the compressed timeframe set by the defendant may not have been ideal, I am otherwise not persuaded by these arguments, for the following reasons. First, the defendant's conduct, as depicted by the claimant, does not in any way diminish the seriousness of the claimant's own conduct in these proceedings. Second, this appears, at best, to be a feeble attempt by the claimant to cast aspersions on the defendant's conduct. The question before this court is not whether the defendant's conduct was deplorable, but whether the claimant's conduct, taken as a whole, is deserving of the striking out of her claim. These are, in my view, two separate and distinct inquiries, and the claimant cannot deflect attention from her own conduct by pointing the finger at the defendant's alleged shortcomings.

54 On the alternative dispute resolution point, I note that O 5 r 1 of the ROC 2021 imposes a general obligation on all parties in that regard. That said, the mere fact that the defendant filed this application in close proximity to the

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76 CWS at paras 22-30.

77 CWS at paras 23-26.

78 CWS at paras 27-29.

claimant's offer to settle cannot, without more, be construed as bad faith on its part. In my view, given the circumstances in which the defendant found itself, it could not be faulted for bringing this application, as it had legitimate grounds to do so; and the timing of the filing, likewise, does not detract from those grounds.

55 In my view, the proverbial final nail was the claimant's failure to explain, in her affidavit, why she had instructed her solicitors to furnish the defendant with a redacted version of the Police Report. Her silence on this point was compounded by her continued silence in the face of the defendant's repeated requests for reasons for the redactions.[79] Such conduct could only suggest a deliberate attempt on the part of the claimant to withhold material information from the defendant and the court, and this lack of transparency makes it incumbent on this court to scrutinise her intentions and motivations with particular care. Ultimately, it is the claimant's silence on this matter that speaks volumes, and from which this court is entitled to draw the necessary inferences in determining the consequences that should follow from her conduct. On the evidence before me, it is clear that the Claimant was seeking to withhold material information.

The appropriate remedy

56 Having found that the claimant's claim constitutes an abuse of process under O 9 r 16(1)(b) of the ROC 2021, I turn to consider the appropriate remedy.

57 The court has the power to strike out a claim under O 9 r 16(1), but it is a decision that cannot be taken lightly. Before such an order is made it is

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[79] DWS at paras 100-102; DWS at paras 113-116.

incumbent that the court takes a holistic view of the facts of the case, as any such striking out order could leave one party without having the chance to be heard on its merits, which explains why such powers should only be made in extreme situations. In this particular case, I am aware that the claimant is an elderly Chinese lady who does not speak English and has already lost a significant amount of money in what seems to be a scam.

58 I recognize that these personal circumstances are important factors that a court should be mindful of when deliberating if a matter ought to be struck out in its entirely, without having the benefit of a trial. It is a careful balance between the need to manage cases efficiently and at the same time to ensure that justice is not buried, and more so when cases involve vulnerable individuals like the claimant in this case. Having this in my peripheral view and after carefully considering all the factors, I am satisfied with the defendant's arguments and agree that striking out the claim is the right course of action required in this case.

59 Putting aside the vulnerability of the claimant, her overall behavior throughout these proceedings, in my view, was clearly intentional. It cannot be couched as a one-time mistake on her part or that this was a procedural error. The claimant's conduct depicted a constant pattern of behaviour that was designed from keeping the truth from rearing its head in court. It is obvious to me that the claimant decided to leave out important information from her SOC. She tried to stop the Police Report from being shared, and then for reasons only known to her, decided to share the Police Report thereafter with parts removed without explaining why. Finally, when she had opportunity to explain away her peculiar behavior surrounding her SOC and the Police Report, she chose to remain silent.

60 In my view, such kind of behavior ought not to be taken lightly and should be considered with circumspect. Given the claimant's decision to omit key facts, resistant to produce evidence and inability to explain her actions, the claimant has undermined the integrity of the legal process. For these reasons, I am satisfied that striking out the claim is the appropriate remedy.

61 I am also satisfied that the claimant's conduct cannot be characterised as an "ordinary procedural default of a technical complexion" or as "entirely innocent".[80] On the one hand, the incongruence between the Police Report and the SOC is too significant. On the other hand, the claimant's nonchalant response to the defendant's complaints are far too evasive to conclude that her conduct is nothing but, inadvertent or based on a complete misunderstanding. This is further damaging as the claimant was legally represented throughout the proceedings, and her solicitors would have advised her on her obligations of production required of her under the ROC 2021, when it concerned documents referred to in pleadings.

The defendant's alternate ground for striking out under O 11 r 7 of the ROC 2021

62 As I am satisfied that the claimant's claim constitutes an abuse of process and have decided that the claimant's OC and SOC should be struck out under O 9 r 16(1)(b) of the ROC 2021, it was unnecessary to consider and make a finding on the defendant's alternate ground for striking out under O 11 r 7 of the ROC 2021.

[80] DWS at para 76.

Conclusion

63 For the reasons set out above, I allow the defendant's application and order that the claimant's OC and SOC be struck out pursuant to O 9 r 16(1)(b) of the ROC 2021.

64 The claim brought about by the claimant is an abuse of process as the claimant has attempted to deceive the court by deliberately concealing material facts and suppressing evidence. As the authors of the *Singapore Civil Procedure 2025* have rightly observed, an abuse of the process of court can operate independently as a separate ground for striking out an action and is not dependent on whether there is any prejudice sustained by the defendant or whether a fair trial is no longer possible. Drawing reference from the case of *Chee Siok Chin and others v Minister for Home Affairs and another* [2005] SGHC 216 at [34], it is clear that the claimant's claim in this suit is premised on a "deception on the court" and is "manifestly groundless or without foundation", such that the continuation of the claimant's claim herein would be a clear abuse of the court's process.

65 Again, while the court is mindful of the claimant's position and empathises with her circumstances as a victim of a scam who has suffered a significant financial loss, the interests of justice cannot be served by permitting a claim to proceed where the claimant has demonstrated a propensity to present a version of events inconsistent with her own contemporaneous account, and has actively sought to withhold material evidence from the defendant and the court.

66 It is worth reiterating that the court's processes exist for a reason and they are essentially to help facilitate a resolution of genuine disputes on the basis

that facts are truthfully presented. It cannot therefore be a case where the claimant in this case is permitted to level untruths designed in making a mockery of such processes.

67 Having found that the claimant's claim constituted an abuse of process warranting striking out under O 9 r 16(1)(b) of the ROC 2021, it was unnecessary to consider and make a finding on the defendant's alternate ground for striking out under O 11 r 7 of the ROC 2021.

68 I ordered cost of the application in the sum of S$6,000.00 all-in in favour of the defendant. In relation to costs incurred of the entire action to date, I awarded an additional cost in the sum of S$6,500.00 all-in in favour of the defendant.

Ramu Miyapan
Assistant Registrar

Ho Junjie (Phoenix Law Corporation) for the claimant;
Ho Wei Liang, Sherman and Leong Kit Weng
(Shook Lin & Bok LLP) for the defendant.