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

[2026] SGHC 55

Originating Claim No 40 of 2025
(Registrar's Appeal No 215 of 2025 and Summons No 23 of 2026)

Between

Xiamen Tonghin Furniture
Industries Co Pte Ltd

… *Claimant*

And

Goh Heng Tee

… *Defendant*

JUDGMENT

[Civil Procedure — Appeals — Adducing fresh evidence on appeal]
[Civil Procedure — Summary judgment]
[Conflict of Laws — Foreign judgments — Defences — Breach of natural justice]

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Xiamen Tonghin Furniture Industries Co Pte Ltd
v
Goh Heng Tee

[2026] SGHC 55

General Division of the High Court — Originating Claim No 40 of 2025
(Registrar's Appeal No 215 of 2025 and Summons No 23 of 2026)
Kristy Tan J
9 March 2026

13 March 2026 Judgment reserved.

Kristy Tan J:

Introduction

1 In *Xiamen Tonghin Furniture Industries Co Pte Ltd v Goh Heng Tee* [2025] SGHCR 36 ("Judgment"), a learned Assistant Registrar ("AR") granted summary judgment on the Claimant's claim in HC/OC 40/2025 ("OC 40") for enforcement of a Chinese judgment against the Defendant. HC/RA 215/2025 ("RA 215") is the Defendant's appeal against the AR's decision. The Defendant also filed HC/SUM 23/2026 ("SUM 23") for permission to adduce fresh Chinese law expert evidence for the appeal.

2 SUM 23 and RA 215 were fixed for hearing together. At the hearing, I granted SUM 23 in part, permitting some but not all of the fresh evidence to be adduced by the Defendant. As the Claimant's counsel confirmed that the Claimant did not intend to file any evidence in response to the permitted fresh

evidence, the hearing of RA 215 proceeded on that basis. I now dismiss RA 215. The reasons for my decisions are set out below. Unless otherwise stated, I adopt the same abbreviations used in the Judgment.

Material background

3 The facts and proceedings below have been described in detail in the Judgment (at [4]–[66]), and it suffices to state in short compass the background material to RA 215.

Facts

4 In 2019, the Claimant, a Chinese company, commenced the First Xiamen Proceedings in the Xiamen Intermediate People's Court against the Defendant, its former legal representative. The Defendant participated in and was represented in the First Xiamen Proceedings by Mr Bai, a Chinese lawyer from Shanghai Juntuo Law Firm.[1] The First Xiamen Proceedings resulted in the First Xiamen Judgment issued on 30 September 2022, under which the Defendant was ordered to, *inter alia*, return a stipulated sum to the Claimant.[2]

5 The Defendant appealed against the First Xiamen Judgment to the Fujian Higher People's Court and was represented by Mr Bai in the Fujian Appeal Proceedings. In the Fujian Appeal Judgment issued on 30 October 2023, the Fujian Higher People's Court held that "the basic facts ascertained in the original judgment were unclear" and on that basis, revoked the First Xiamen

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1 Affidavit of Tam Kin Man (translator) filed by the Claimant on 2 September 2025 ("Tam's 2 Sep 2025 Affidavit") at p 53.

2 Tam's 2 Sep 2025 Affidavit at pp 65–66.

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Judgment and remitted the case to the Xiamen Intermediate People's Court for retrial.[3]

6 On 23 November 2023, Mr Bai signed a completed form titled "The High People's [C]ourt of Fujian Province – Confirmation of delivery address and delivery method" and bearing the case number of the Fujian Appeal Proceedings ("Confirmation Notice").[4] In the fields for completion, Mr Bai was indicated as the "litigation attorney" of the Defendant, and the delivery address for both the Defendant and Mr Bai was indicated as "Room 1103, No. 159, Zhaojiabang Road, Xuhui District, Shanghai 200032". It was not disputed that this was Mr Bai's office address, and the AR used the abbreviation "Mr Bai's Address" for this address in the Judgment (at [56]). The Confirmation Notice bore the header "(2024) Min 02 Min Chu No. 249 (main volume 01) B021-Min-2024-06050119" (which refers to the case number of the remitted matter, *ie*, the Second Xiamen Proceedings) and was obtained from the court file for the Second Xiamen Proceedings (Judgment at [55]).

7 In the Second Xiamen Proceedings, the court documents / notices ("court documents") issued by the Xiamen Intermediate People's Court to the Defendant included:

(a) a "Subpoena" dated 1 June 2024 summoning the Defendant for a court hearing at 9.00am on 7 August 2024 at Court No 1 of the Xiamen International Commercial Court;[5]

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3 Tam's 2 Sep 2025 Affidavit at p 71.

4 Affidavit of Goh Swee Hin filed by the Claimant on 25 August 2025 ("GSH's 25 Aug 2025 Affidavit") at pp 55–60.

5 GSH's 25 Aug 2025 Affidavit at pp 62–63.

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(b) a "Notice of Appearance" dated 5 June 2024 stating that the case for the Second Xiamen Proceedings was filed on 25 March 2024 and providing information on how to respond in the case;[6]

(c) a "Notice to Produce Proof" dated 5 June 2024 informing of a deadline of 30 days from the date of service for submission of evidence to the court;[7]

(d) a "Notice of Collegial Panel Composition" dated 5 June 2024 informing of the panel of judges for the Second Xiamen Proceedings;[8] and

(e) a "Notice of Change of Collegial Panel Composition" dated 11 July 2024 informing of changes in the panel of judges for the Second Xiamen Proceedings.[9]

8 The Claimant adduced three EMS (Worldwide Express Mail Service) ("EMS") Court Delivery Mail Details Sheets which indicated that certain court documents were sent by the Xiamen Intermediate People's Court to Mr Bai at the address "Shanghai Juntuo Law Firm, Room 1102, Friendship Times Building, No. 159, Zhaojiabang Road, Xuhui District, Shanghai – Postal code 200000".[10] The AR appeared to think that the EMS Court Delivery Mail Details Sheets reflected "Mr Bai's Address" (Judgment at [59], [62] and [63]), although there was a slight difference between the delivery address stated in the

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6 GSH's 25 Aug 2025 Affidavit at pp 64–66.

7 GSH's 25 Aug 2025 Affidavit at pp 67–68.

8 GSH's 25 Aug 2025 Affidavit at pp 69–70.

9 GSH's 25 Aug 2025 Affidavit at pp 71–72.

10 GSH's 25 Aug 2025 Affidavit at pp 74, 76 and 78.

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Confirmation Notice (which was what the AR had defined as "Mr Bai's Address" (see [6] above)) and the address stated in the EMS Court Delivery Mail Details Sheets. Nevertheless, it was not disputed below or in RA 215 that the address stated in the EMS Court Delivery Mail Details Sheets was also Mr Bai's office address and I shall refer to this address as "Mr Bai's Office". More specifically:

(a) The first EMS Court Delivery Mail Details Sheet showed that on 11 June 2024, the items received at Mr Bai's Office included court documents described as "Notice of Litigation Rights and Obligations"; "Notice of Appearance (to notify the other party) (GOH HENG TEE, Chinese name: 吴星弟))"; "Subpoena (to summon the parties) (GOH HENG TEE, Chinese name: 吴星弟)).pdf"; "Notice to Produce Proof (to notify the party) (GOH HENG TEE, Chinese name: 吴星弟)).pdf"; "Notice of Collegial Panel Composition (to notify the party) (GOH HENG TEE, Chinese name: 吴星弟)).pdf"; and "Confirmation of delivery address".[11]

(b) The second EMS Court Delivery Mail Details Sheet showed that on 12 July 2024, a court document described as "Notice of Change of Collegial Panel Composition (to notify the party) (GOH HENG TEE (Chinese name: 吴星弟))" was received at Mr Bai's Office.[12]

(c) The third EMS Court Delivery Mail Details Sheet and an "Express mail return slip" apparently showed that a court document

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11 GSH's 25 Aug 2025 Affidavit at pp 73–74.

12 GSH's 25 Aug 2025 Affidavit at pp 75–76.

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described as "Judgment" sent to Mr Bai's Office in August 2024 was returned to the post office.[13]

9 The Claimant also adduced delivery records indicating that certain court documents were sent by the Xiamen Intermediate People's Court to and received at the Carpmael Address in Singapore where the Defendant resided:

(a) EMS waybill number EA636677735CN showed that on 25 June 2024, the Xiamen Intermediate People's Court shipped court documents described as "Subpoena", "Notice of appearance", "Notice of collegial panel composition", "Notice to produce proof", "Notice of litigation rights and obligations" and "Delivery address confirmation" to the Carpmael Address.[14] Singapore Post and China Post tracking details tagged to that waybill number showed that the package was delivered on 28 June 2024.[15]

(b) EMS waybill number EA636677333CN showed that on 11 July 2024, the Xiamen Intermediate People's Court shipped court documents described as "(2024) Min 02 Min Chu No. 249 Civil Ruling" and "Notice of Change of Composition of Collegial Panel" to the Carpmael Address.[16] Singapore Post and China Post tracking details tagged to that waybill number showed that the package was delivered on 16 July 2024.[17]

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13 GSH's 25 Aug 2025 Affidavit at pp 77–80.

14 GSH's 25 Aug 2025 Affidavit at pp 81–82.

15 GSH's 25 Aug 2025 Affidavit at pp 83–84.

16 GSH's 25 Aug 2025 Affidavit at pp 85–86.

17 GSH's 25 Aug 2025 Affidavit at pp 87–88.

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(c) EMS waybill number EA636678081CN showed that on 29 August 2024, the Xiamen Intermediate People's Court shipped a court document described as "(2024) Min 02 Min Chu No. 249 Civil Ruling" to the Carpmael Address.[18] Singapore Post and China Post tracking details tagged to that waybill number showed that the package was delivered on 2 September 2024.[19]

10 The Defendant did not appear in the Second Xiamen Proceedings and the trial proceeded in his absence.[20]

11 On 27 August 2024, the Second Xiamen Judgment was issued, by which the Defendant was ordered, *inter alia*, to:

(a) return RMB 11,801,924.58 to the Claimant "and pay interest losses … based on RMB 11,801,924.58, from October 25, 2019, … calculated based on the LPR standard on October 25, 2019 until the actual date of repayment" ("Interest");

(b) pay the Claimant a court fee of RMB 5,000 which the Claimant had previously paid in respect of its application for the preservation of the Defendant's property during the trial; and

(c) bear RMB 92,612 of the court's acceptance fee for the case.[21]

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18 GSH's 25 Aug 2025 Affidavit at pp 90–91.

19 GSH's 25 Aug 2025 Affidavit at pp 92–93.

20 Affidavit of Goh Swee Hin filed by the Claimant on 24 July 2025 ("GSH's 24 Jul 2025 Affidavit") at p 37.

21 GSH's 24 Jul 2025 Affidavit at p 46.

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12 The Second Xiamen Judgment came into effect on 30 September 2024.[22]

Procedural history

13 The Claimant commenced OC 40 on 15 January 2025 to enforce the Second Xiamen Judgment, seeking the sum of RMB 11,899,536.58 (being the total of the three liquidated sums the Defendant was ordered to pay under the Second Xiamen Judgment) and "[i]nterest on the aforesaid sums".[23] On 28 March 2025, the Claimant filed HC/SUM 853/2025 ("SUM 853") for summary judgment on its claim for the sum of RMB 11,899,536.58 "with interest from 25 October 2019 until the actual date of repayment".

14 The Defendant's sole pleaded defence in OC 40 to enforcement of the Second Xiamen Judgment and sole ground for resisting SUM 853 was that the Second Xiamen Judgment had been obtained in breach of natural justice in that he was not given notice of, and consequently did not have the opportunity to be heard in, the Second Xiamen Proceedings.[24]

15 In SUM 853:

(a) It was undisputed that under Chinese law and procedure, it was the Chinese courts that notified the parties of hearings and carried out service of court documents (Judgment at [83]).

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22 GSH's 24 Jul 2025 Affidavit at pp 177–178.

23 Statement of Claim filed on 15 January 2025 at para 12 and prayers for relief.

24 Defence filed on 3 March 2025 ("Defence") at paras 21 and 25(a); Affidavit of Goh Heng Tee filed by the Defendant on 11 June 2025 ("GHT's 11 Jun 2025 Affidavit") at paras 12–19.

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(b) It was undisputed that the Xiamen Intermediate People's Court had sent certain court documents in the Second Xiamen Proceedings to Mr Bai's Office and the Carpmael Address (Judgment at [33]).

(c) The Claimant's Chinese law expert, Mr Zhang, a Chinese lawyer at Fujian Xiangying Law Firm, opined that the Claimant had thus been given notice of the Second Xiamen Proceedings (Judgment at [35]–[38]).

(d) The Defendant contended that he had not actually received the court documents sent by the Xiamen Intermediate People's Court and that the evidence did not show that he or Mr Bai had actually received those documents (Judgment at [33]).

(e) The Defendant also adduced Chinese law expert evidence from Mr Zhu, a Chinese lawyer at Shanghai Jinxu Law Firm. Mr Zhu opined that the court documents had not been properly served on the Defendant because they had to be served in the manner provided in the international treaties concluded or acceded to by Singapore and the People's Republic of China ("PRC"), which required the court documents to be transmitted in sequence from the Xiamen Intermediate People's Court to the Fujian Higher People's Court, then to the Supreme People's Court, then to the Ministry of Justice, with the latter then submitting a request to the Supreme Court of Singapore for it to effect service (Judgment at [39]–[46]). Mr Zhu also opined that the Defendant had not appointed Mr Bai to participate in the Second Xiamen Proceedings and Mr Bai could not receive legal documents on behalf of the Defendant (Judgment at [47]).

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16 The AR issued the Judgment on 5 November 2025. After finding that there was no breach of natural justice in the obtaining of the Second Xiamen Judgment, he granted the Claimant summary judgment on its claim for RMB 11,899,536.58 but stipulated that "the interest running from 25 October 2019 is only to be on the sum of RMB 11,801,924.58" (Judgment at [94]). The main grounds of the AR's decision are summarised at [19]–[26] below.

17 On 17 November 2025, the Defendant filed RA 215.

18 On 2 January 2026, the Defendant filed SUM 23 for permission to adduce fresh Chinese law expert evidence in RA 215.

Decision below

19 In finding that there was no breach of natural justice in the obtaining of the Second Xiamen Judgment, the AR reasoned as follows.

20 Preliminarily, it was appropriate for the court to assess the merits of the Defendant's natural justice challenge "at this stage" as the Defendant was not pursuing any recourse in the Chinese courts against the Second Xiamen Judgment (Judgment at [80]–[81]).

21 Next, there was proper service of process in the Second Xiamen Proceedings under Chinese law (Judgment at [93]).

22 Under Chinese law, service via the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (15 November 1965), 658 UNTS 163 (entered into force 10 February 1969, accession by Singapore 16 May 2023) ("Service Convention") was not the only permissible mode of service on a party without domicile in the PRC; service

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could also be effected (a) on the party's legal representative or litigation agent within the PRC and (b) by mail where this was permitted by the laws of the country in which the party was to be served (Judgment at [87]). Amongst other things, while Mr Zhu had referred to Art 283(1) of the "Civil Procedure Law of the People's Republic of China" ("Civil Procedure Law"), pursuant to which litigation documents "may" be served on a party not domiciled in the PRC in the manner provided in international treaties concluded or acceded to by the PRC and the country where the person to be served resides (Judgment at [85(a)]), Art 283 also identified other modes of service on a party not domiciled in the PRC that may be employed, such as "[s]ervice on the litigation agent authorized by the person to be served in the case" (Art 283(4)) and service by mail "[w]here the laws of the country where the person to be served is located permit service by mail" (Art 283(8)) (Judgment at [86(a)]).

23 It was reasonable for the Xiamen Intermediate People's Court to think that service of court documents on Mr Bai would be appropriate and sufficient because Mr Bai had represented the Defendant in the First Xiamen Proceedings and Fujian Appeal Proceedings, and after the Fujian Appeal Judgment was issued on 30 October 2023, Mr Bai had signed the Confirmation Notice on 23 November 2023 indicating that he could accept service for the Defendant at Mr Bai's Address (Judgment at [55]–[57] and [89]–[90]). As Mr Bai's office had apparently accepted service of various court documents pertaining to the Second Xiamen Proceedings, there would have been no reason for the Xiamen Intermediate People's Court to think that there was any issue with such service (Judgment at [91]).

24 The Xiamen Intermediate People's Court also sent court documents to the Defendant by registered mail at the Carpmael Address, and postal records

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showed that the mail was received (Judgment at [92]). This mode of service was permitted under Chinese law because, under Singapore law, the service of process by registered mail would be regarded as valid if the summons was shown to have been properly posted to the recipient at the correct address for service (Judgment at [76] and [92], citing *Paulus Tannos v Heince Tombak Simanjuntak* [2020] 2 SLR 1061 ("*Tannos*") at [53]). The Xiamen Intermediate People's Court would also have had no reason to think otherwise (Judgment at [92]).

25 There was therefore proper service of process pertaining to the Second Xiamen Proceedings as a matter of Chinese law and from the Singapore court's view of what substantial justice required, and no breach of natural justice in the obtaining of the Second Xiamen Judgment (Judgment at [93]). It was unnecessary to further consider whether the Defendant had actual notice of the Second Xiamen Proceedings (Judgment at [93]).

26 "[I]f it were necessary" to decide, even assuming Chinese law required service by way of the Service Convention, it was reasonable to think that this had been done because service of process for the First Xiamen Proceedings, which represented the initiation of legal proceedings between the parties in this dispute, was effected on the Defendant through the Service Convention, and it was artificial to view the Second Xiamen Proceedings separately from the First Xiamen Proceedings and Fujian Appeal Proceedings and to insist on this basis that process for the Second Xiamen Proceedings would have to be served on the Defendant via the Service Convention afresh (Judgment at [88]).

SUM 23

27 I will address SUM 23 before turning to RA 215.

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28 In SUM 23, the Defendant sought permission to adduce two legal opinions dated 28 December 2025 issued by Ms Juan Wang ("Ms Juan"), a Chinese lawyer at Guangdong Zhuo Jian Law Firm, titled respectively:

(a) "Legal Opinion regarding the Validity of Service in Case No. (2024) Min 02 Min Chu No. 249 of Xiamen Intermediate People's Court, Fujian Province, China" ("First Legal Opinion");[25] and

(b) "Legal Opinion regarding the Possibility of Setting Aside the Judgment in Case No. (2024) Min 02 Min Chu No. 249 of Xiamen Intermediate People's Court, Fujian Province, China" ("Second Legal Opinion").[26]

29 I granted permission for the First Legal Opinion, but not the Second Legal Opinion, to be adduced.

The law

30 In an appeal from a decision made on an application in an action, such as RA 215, the appellate court's power to receive further evidence is provided for in O 18 r 8(6) of the Rules of Court 2021 ("ROC 2021"), which states:

> Subject to any written law, the appellate Court has power to receive further evidence, either by oral examination in court, by affidavit, by deposition taken before an examiner, or in any other manner as the appellate Court may allow, but no such further evidence (other than evidence relating to matters occurring after the date of the decision appealed against) may be given except on *special grounds*. [emphasis added]

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25 Affidavit of Goh Heng Tee filed by the Defendant on 2 January 2026 ("GHT's 2 Jan 2026 Affidavit") at pp 9–14.

26 GHT's 2 Jan 2026 Affidavit at pp 16–21.

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31 The courts have consistently interpreted the term "special grounds" to refer to the threefold requirements in *Ladd v Marshall* [1954] 1 WLR 1489 ("*Ladd v Marshall*"), *viz* (*AnAn Group (Singapore) Pte Ltd v VTB Bank (Public Joint Stock Co)* [2019] 2 SLR 341 ("*AnAn*") at [21]):

> (a) The first requirement of non-availability: it must be shown that the evidence could not have been obtained with reasonable diligence for use at the trial or hearing below.
>
> (b) The second requirement of relevance: the evidence must be such that, if given, it would probably have an important influence on the result of the case, though it need not be decisive.
>
> (c) The third requirement of credibility: the evidence must be such as is presumably to be believed, or in other words, it must be apparently credible, though it need not be incontrovertible.

32 In *AnAn*, the Court of Appeal explained that a two-stage analysis should be undertaken in determining an application to adduce fresh evidence on appeal (at [56]).

33 At the first stage, the court considers the nature of the proceedings below with a view to determining whether or the extent to which the *Ladd v Marshall* requirements should be applied (*AnAn* at [57]). In this regard, cases should be analysed as lying on a spectrum (*AnAn* at [35]):

> (a) On one end of the spectrum, where the appeal is against a judgment after a trial or a hearing having the full characteristics of a trial, the *Ladd v Marshall* requirements should generally be applied with full rigour, subject to the second stage of the analysis (*AnAn* at [57]).

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(b) On the other end of the spectrum, where the hearing below was not on the merits at all, such as in the case of interlocutory appeals, the *Ladd v Marshall* requirements serve as a guideline which the court is entitled but not obliged to refer to in the exercise of its discretion.

(c) For all other cases falling in the middle of the spectrum, which would include appeals against a judgment after a hearing on the merits, it is for the court to determine the extent to which the first *Ladd v Marshall* requirement of non-availability should be applied strictly, having regard to the nature of the proceedings below. In this regard, relevant (non-exhaustive) factors include (i) the extent to which evidence was adduced for the purposes of the hearing; (ii) the extent to which parties had the opportunity to revisit and refine their cases before the hearing; and (iii) the finality of the proceedings in disposing of the dispute between the parties.

34 At the second stage, the court considers if there are any other reasons for which the *Ladd v Marshall* requirements should be relaxed in the interests of justice (*AnAn* at [58])

35 In the present case, RA 215 falls in the middle of the spectrum at the first stage of the analysis: it is an appeal against the grant of summary judgment in SUM 853 and thus constitutes an appeal against a judgment after a hearing on the merits (*AnAn* at [29]). The parties were *ad idem* that the three requirements in *Ladd v Marshall* should apply to the determination of SUM 23.[27] I agreed. In particular, having regard to the nature of the SUM 853

[27] Appellant's (Defendant's) Written Submissions dated 2 February 2026 ("DWS") at para 12; Claimant's Written Submissions dated 2 February 2026 at para 83.

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proceedings below, which involved a few rounds of filing of affidavits and two rounds of hearing and which culminated in the disposal of OC 40, I saw no reason the first *Ladd v Marshall* requirement of non-availability should not be applied. The second stage of the analysis was not engaged as neither party raised any arguments in this connection.

The First Legal Opinion

36 In the First Legal Opinion, Ms Juan opined that Art 283 of the Civil Procedure Law was permissive in allowing a choice of one or more of the methods of service listed therein.[28] She discussed the validity of the two methods of service utilised for the Second Xiamen Proceedings: service on Mr Bai and service by mail to the Carpmael Address.

37 In respect of service on Mr Bai, Ms Juan opined that Art 283(4) of the Civil Procedure Law permitted the court to "serve towards the attorney of record (in this case) appointed by the addressee". As Mr Bai's name was not listed in the Second Xiamen Judgment, it was reasonable to infer that Mr Bai was not authorised to represent the Defendant in the Second Xiamen Proceedings. The Xiamen Intermediate People's Court was thus not permitted to serve court documents on Mr Bai.[29] However, under Art 2 of the "Several Opinion[s] of the Supreme People's Court on Further Strengthening the Service of Process in Civil Cases" ("Several Opinions on Civil Service"), "[w]here a party entrusts a litigation agent, the service address confirmed by the litigation agent shall be

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28 GHT's 2 Jan 2026 Affidavit at p 11: First Legal Opinion at para 7.

29 GHT's 2 Jan 2026 Affidavit at pp 9–10: First Legal Opinion at paras 5(a)–(d).

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deemed as the party's service address".[30] Pursuant to Arts 6 and 7 of the Several Opinions on Civil Service, the delivery address in the Confirmation Notice would apply to the first instance, second instance and execution procedures, and the fact that the addressee did not actually receive the documents being served would not affect the validity of service.[31] If Mr Bai signed the Confirmation Notice, service at the delivery address would be valid.[32]

38 In respect of service by mail to the Carpmael Address, Ms Juan opined that Art 283(8) of the Civil Procedure Law (permitting service by mail if the laws of the country where the person to be served is located permit service by mail) was sited in Part IV of the Civil Procedure Law titled "Special Provisions regarding Foreign-related Civil Procedure", "which means it is in the international context".[33] Singapore "objects to the service by postal channels in international context" because Singapore declared its objection to the service of judicial and extrajudicial documents within its territory by the methods of transmission set out in Art 10 of the Service Convention (one of which is sending judicial documents from abroad by postal channels directly to persons in Singapore).[34] Therefore, the Xiamen Intermediate People's Court's service on the Defendant by the postal channel to the Carpmael Address was not valid.[35]

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30 GHT's 2 Jan 2026 Affidavit at p 10: First Legal Opinion at para 5(e); Affidavit of Poon Yu Da (translator) filed by the Defendant on 20 February 2026 ("Poon's Affidavit") at p 14.

31 GHT's 2 Jan 2026 Affidavit at p 10: First Legal Opinion at para 5(f).

32 GHT's 2 Jan 2026 Affidavit at pp 10 and 11: First Legal Opinion at paras 5(e) and 5(g).

33 GHT's 2 Jan 2026 Affidavit at p 11: First Legal Opinion at para 6(a).

34 GHT's 2 Jan 2026 Affidavit at p 11: First Legal Opinion at para 6(b).

35 GHT's 2 Jan 2026 Affidavit at p 11: First Legal Opinion at para 6(c).

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39 In my view, the First Legal Opinion satisfied the first *Ladd v Marshall* requirement of non-availability. The AR considered that Arts 283(4) and 283(8) of the Civil Procedure Law permitted, respectively, service on Mr Bai and service by mail to the Defendant at the Carpmael Address, which led him to the conclusion that there was valid service (Judgment at [86]–[87], [90] and [92]). However, neither party's Chinese law expert below canvassed Arts 283(4) or 283(8), and the AR's interpretation of the provisions was based solely on their text. For example, while the AR appeared to think that Art 283(8) permitted service "by mail where this is permitted by the laws of the country where the party to be served is located" (Judgment at [86(a)] and [87]), this was no more than a restatement of the text of Art 283(8), and it is unclear what the AR thought the relevant inquiry mandated by Art 283(8) was (and why). Was the relevant inquiry (a) whether Singapore law permitted service of *Singapore* court documents on a litigant located in Singapore by mail or (b) whether Singapore law permitted service of *PRC* (foreign) court documents on a litigant located in Singapore by mail? This issue was not addressed in the hearing below as the parties did not appear to know beforehand that the AR would rely specifically on Art 283(8) (or Art 283(4)). The Defendant thus could not reasonably be expected to obtain for the hearing below Ms Juan's (or any Chinese law expert's) opinion on these provisions.

40 As for the second *Ladd v Marshall* requirement of relevance, there was some divergence in the respective views of the AR and Ms Juan on the validity of service under Chinese law. Unless it was subsequently determined in RA 215 that the Defendant had actual notice of the Second Xiamen Proceedings, it would be relevant to inquire into whether the Defendant had been validly served (see further [61]–[64] below). Ms Juan's views on the validity of service were thus potentially relevant to the merits of RA 215.

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41 As for the third *Ladd v Marshall* requirement of credibility, the Claimant accepted that it was met and I had no reason to think otherwise.

42 I thus found that permission should be granted for the First Legal Opinion to be adduced.

The Second Legal Opinion

43 In the Second Legal Opinion, Ms Juan opined on the "possibility" of setting aside the Second Xiamen Judgment. She stated that "[u]nder Chinese law, the way to set aside an effective judgment is to apply [for] judicial review/retrial through adjudicative supervision procedure".[36] She referred to Arts 211 and 216 of the Civil Procedure Law which set out, respectively, the grounds on which a case would be retried and the time by which an application for retrial had to be made:[37]

> **Article 211**: Where a party's application meets any of the following circumstances, the People's Court shall retry the case:
>
> (1) There is new evidence sufficient to overturn the original judgment or ruling;
>
> (2) The basic facts determined by the original judgment or ruling lack evidence to prove them;
>
> (3) The main evidence on which the facts in the original judgment or ruling were determined was forged;
>
> (4) The main evidence on which the facts in the original judgment or ruling were determined was not cross-examined;
>
> (5) The party was unable to collect main evidence necessary for the trial of the case due to objective reasons, applied to the People's Court in writing to investigate and collect such

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36 GHT's 2 Jan 2026 Affidavit at p 16: Second Legal Opinion at para 5.

37 GHT's 2 Jan 2026 Affidavit at pp 16–17: Second Legal Opinion at paras 6–8; Poon's Affidavit at pp 20–21.

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> evidence, but the People's Court failed to investigate and collect it;
>
> (6) The application of law in the original judgment or ruling was clearly erroneous;
>
> (7) The composition of the trial organization was unlawful or the judicial personnel who should have withdrawn according to law did not withdraw;
>
> (8) A person without litigation capacity was not represented by a legal representative in litigation, or a party who should have participated in the litigation failed to participate in litigation due to reasons not attributable to themselves or their litigation agent;
>
> (9) In violation of legal provisions, depriving the party of the right to debate;
>
> (10) Rendering a default judgment without summons by subpoena;
>
> (11) The original judgment or ruling omitted or exceeded the litigation claims;
>
> (12) The legal document on which the original judgment or ruling was based has been revoked or changed;
>
> (13) The judicial personnel had corrupt practices, engaged in malpractice for personal gain, or rendered a judgment in perversion of the law when trying the case.
>
> **Article 216**: A party applying for retrial shall file the application within six months after the judgment or ruling takes legal effect. For circumstances stipulated in Items 1, 3, 12 and 13 of Article 211 of this Law, the application shall be filed within six months from the date of knowing or should have known.

44 Ms Juan explained that the "possibility of setting aside" the Second Xiamen Judgment thus required the Defendant to (a) submit his application within the applicable limitation period under Art 216 and (b) establish one of the grounds in Art 211.[38]

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[38] GHT's 2 Jan 2026 Affidavit at p 17: Second Legal Opinion at para 8.

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45 In respect of the limitation period, Ms Juan opined that as the Second Xiamen Judgment became effective on 30 September 2024, pursuant to Art 216, the Defendant's application had to be filed before 31 March 2025, unless he was relying on the grounds in Arts 211(1), 211(3), 211(12) or 211(13), in which case the application should be filed within six months from when the Defendant knew or should have known of those grounds.[39]

46 In respect of the grounds under Art 211, Ms Juan opined that:

(a) The Defendant "may argue" that he did not participate in the Second Xiamen Proceedings (Art 211(8)) and was deprived of the right to be heard (Art 211(9)).[40]

(b) The Defendant "may also argue" that the Second Xiamen Judgment was a default judgment without lawful summons (Art 211(10)), although this turned on the question of the validity of service of process.[41]

(c) Whether the Defendant could establish the grounds in Arts 211(1) and 211(3) would "depend on whether [the Defendant] may provide new evidence or prove the main evidence in the [Second Xiamen Proceedings] is forged".[42]

(d) There was a "possibility" of establishing the ground in Art 211(4) (*ie*, no cross-examination on the main evidence relied on in

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39 GHT's 2 Jan 2026 Affidavit at p 16: Second Legal Opinion at paras 4 and 6.

40 GHT's 2 Jan 2026 Affidavit at p 17: Second Legal Opinion at para 9.

41 GHT's 2 Jan 2026 Affidavit at pp 17–18: Second Legal Opinion at para 9.

42 GHT's 2 Jan 2026 Affidavit at p 19: Second Legal Opinion at para 17.

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the Second Xiamen Judgment) as the Defendant did not appear at the hearing of the Second Xiamen Proceedings.[43]

(e) The grounds in Arts 211(7) and 211(13) were "hard to establish".[44]

(f) The grounds in Arts 211(5), 211(6), 211(11) and 211(12) "[did] not apply" in the Second Xiamen Proceedings.[45]

(g) The Defendant would not be able to establish the ground in Art 211(2) as the Claimant had submitted evidence to support the basic facts on which the outcome of the Second Xiamen Judgment had been determined.[46]

47 It is established law that one of the requirements for a foreign judgment to be recognised and enforced is that the foreign judgment must be the final and conclusive judgment of the foreign court that pronounced it (*Humpuss Sea Transport Pte Ltd v PT Humpuss Intermoda Transportasi TBK* [2016] 5 SLR 1322 ("*Humpuss*") at [67]). A final and conclusive judgment is one which cannot be varied, re-opened or set aside by the court that delivered it; the judgment would be no less final merely because it is subject to an appeal or a stay of execution (*Humpuss* at [69]). Where a foreign judgment is concerned, finality is to be assessed by asking whether it would be regarded as final and conclusive under the applicable foreign law (*Humpuss* at [70]).

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43 GHT's 2 Jan 2026 Affidavit at p 19: Second Legal Opinion at para 19.

44 GHT's 2 Jan 2026 Affidavit at p 18: Second Legal Opinion at paras 11 and 14.

45 GHT's 2 Jan 2026 Affidavit at pp 18–19: Second Legal Opinion at paras 12, 13, 15 and 16.

46 GHT's 2 Jan 2026 Affidavit at p 19: Second Legal Opinion at para 18.

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48 In the present case, the Defendant made no bones about the fact that his purpose in seeking permission to adduce the Second Legal Opinion was to resist the enforcement of the Second Xiamen Judgment on the ground that it was not a final and conclusive judgment.[47] I found that permission for the Second Legal Opinion to be adduced should be refused.

49 First, it is *not* the Defendant's pleaded case that the Second Xiamen Judgment should not be enforced because it is not final and conclusive. His *sole* pleaded defence is that the Second Xiamen Judgment was obtained in breach of natural justice in that he was not given notice of the Second Xiamen Proceedings and thus had no reasonable opportunity to be heard.[48] To-date, the Defendant has not applied to amend his Defence. I saw no basis for him to pursue an unpleaded case, and it followed that the adduction of fresh evidence for the purpose of pursuing an unpleaded case should not be permitted. If necessary to situate this discussion within the *Ladd v Marshall* framework, I would have said that the second *Ladd v Marshall* requirement of relevance was plainly not satisfied given the absence of any pleading by the Defendant that the Second Xiamen Judgment is not final and conclusive.

50 Second, the first *Ladd v Marshall* requirement of non-availability was also not satisfied. In the course of the proceedings below, the Claimant highlighted more than once that the Defendant had not applied to set aside the Second Xiamen Judgment:

(a) In an affidavit filed by the Claimant on 25 June 2025, the Claimant's representative expressly stated that the Defendant's "failure

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47 DWS at paras 14 and 19; GHT's 2 Jan 2026 Affidavit at para 12(b).

48 Defence at paras 21 and 25(a).

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to … set aside the Second [Xiamen] Judgment or take out any application must be held against him".[49]

(b) In the affidavit of the Claimant's expert, Mr Zhang, filed on 18 July 2025, Mr Zhang stated:[50]

> If [the Defendant] believes that the [Second Xiamen Judgment] has not been served in accordance with the law and the procedure is unlawful, he may file an application for retrial in accordance with the provisions of Chinese law, and the court will review whether [the Defendant's] request for retrial has a legal basis in accordance with Chinese law, and the [Second Xiamen Judgment] will have legal effect until [it] is revoked.

51 In the face of these pointed comments, the Defendant had ample opportunity to consider amending his case to challenge the finality of the Second Xiamen Judgment but chose not to do so. Indeed, after the conclusion of the SUM 853 hearing, the Defendant's position remained, as summarised by the AR, that (Judgment at [31]):

> … *[The Defendant] also does not dispute that the Second Xiamen Judgment was a final and conclusive judgment on the merits*, that the Xiamen Intermediate People's Court had jurisdiction, and the other requirements for recognition and enforcement of a foreign judgment in Singapore were met. His defence boils down to his position that the court notices and papers in relation to the Second Xiamen Proceedings were not served on him… [emphasis added]

52 To the extent the Defendant suggested that the Second Legal Opinion and his supposedly-intended new challenge to the finality of the Second Xiamen Judgment were meant to refute the AR's finding that it was appropriate for the

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49 Affidavit of Goh Swee Hin filed by the Claimant on 25 June 2025 at para 18.

50 Affidavit of Zhang Yongzhen filed by the Claimant on 18 July 2025 ("Zhang's 18 Jul 2025 Affidavit") at para 24.

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Singapore court to presently assess the merits of the Defendant's natural justice challenge as the Defendant was not pursuing any recourse in the Chinese courts against the Second Xiamen Judgment (see [20] above),[51] this did not assist the Defendant's SUM 23 application. It was tantamount to a litigant making the absurd suggestion that until the court points out that he has not pursued a certain course, he cannot be expected to (obtain evidence to) pursue that course.

53 For completeness, while the Defendant asserted in his show cause affidavit that he "intend[ed] to appeal" against the Second Xiamen Judgment,[52] this was not a challenge to the finality of the Second Xiamen Judgment. Leaving aside the absence of any evidence that he has filed an appeal, an appeal would not affect the finality of the Second Xiamen Judgment in any event (see [47] above).

54 Third, the Second Legal Opinion also failed the second *Ladd v Marshall* requirement of relevance for two reasons.

55 One, the Second Legal Opinion did not make clear the nature of an application under Art 211 of the Civil Procedure Law. The text of Art 211 referred only to an application to "retry" the case. The text of Art 216 similarly referred to an application for "retrial". The text of Art 218 (to which Ms Juan also referred) did no more than set out the procedure by which a retrial was to be conducted.[53] It was Ms Juan who described such an application as a way to "set aside" the Second Xiamen Proceedings, and even so, she did not state (much less justify) whether such an application would be made to the Xiamen

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51 GHT's 2 Jan 2026 Affidavit at para 9; DWS at para 20.

52 GHT's 11 Jun 2025 Affidavit at para 11.

53 Poon's Affidavit at p 21.

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Intermediate People's Court that delivered the Second Xiamen Judgment for that court to set aside its own judgment, or whether such an application would be made to a higher court to set aside the lower court's judgment. Under Singapore law, the former recourse might undermine the finality of the Second Xiamen Judgment, but not so the latter recourse if that is in the nature of an appeal against the Second Xiamen Judgment (see *Humpuss* at [69]). The Second Legal Opinion was silent on which scenario applied and thus would not assist in any determination of whether the Second Xiamen Judgment is final and conclusive.

56 Two, further and in any event, regardless of the nature of an application under Art 211, the Second Legal Opinion actually established that the Defendant could not credibly apply thereunder to "set aside" the Second Xiamen Judgment. I elaborate.

57 In the Second Legal Opinion, the only possible grounds of setting aside which Ms Juan did not rule out were those under Arts 211(1), 211(3), 211(4), 211(8), 211(9) and 211(10) of the Civil Procedure Law (see [46(a)]–[46(d)] above). However:

(a) The limitation period for filing a setting aside application on those grounds (save for the grounds under Arts 211(1) and 211(3)) had long expired (see [45] above) and there was no evidence from Ms Juan that an extension of time to file the application could be sought or obtained.

(b) As for the grounds under Arts 211(1) and 211(3), these pertained respectively to there being "new evidence sufficient to overturn the original judgment or ruling" and where "[t]he main evidence on which

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the facts in the original judgment or ruling were determined was forged" (see [43] above). Ms Juan went no further than to make a non-committal observation that the availability of these grounds depended on the Defendant's ability to prove the same (see [46(c)] above). While the Defendant made bare assertions in SUM 23 that he "will be pursuing the legal remedies as set forth in the [Second] Legal Opinion" and "[has] instructed [his] Chinese solicitors to take out an application in China to set aside the default judgment by way of judicial review",[54] he did not explain which grounds he would rely on much less how he intended to prove them. Further, assuming he had an explanation, the evidence of the purported steps (if any) taken or to be taken by the Defendant would be fresh evidence which the Defendant also required (but did not seek) permission to adduce. There was thus no basis to think that the grounds under Arts 211(1) and/or 211(3) were viable.

58 In short, even if the Second Legal Opinion were adduced, there was no basis to think that the supposedly-intended challenge by the Defendant to the finality of the Second Xiamen Judgment could or would get off the ground.

RA 215

The law

Summary judgment

59 The law governing summary judgment applications is well-established. Upon the claimant showing a *prima facie* case for judgment, the defendant bears the burden of showing that there is a fair or reasonable probability that he has a

[54] GHT's 2 Jan 2026 Affidavit at paras 9 and 12(b).

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real or *bona fide* defence in order to obtain leave to defend (*Ollech David v Horizon Capital Fund* [2024] 1 SLR 287 ("*Horizon Capital*") at [40]). To do so, the defendant must show that there is a triable issue or question. This cannot be a mere assertion of a given situation which forms the basis of the defence, or assertions that are equivocal, lacking in precision, inconsistent or inherently improbable (*Horizon Capital* at [41]).

Defence of breach of natural justice to recognition and enforcement of foreign judgments

60 A foreign judgment will not be recognised or enforced in Singapore if it was obtained in breach of natural justice, such as where the defendant was not given notice of the proceedings in which the foreign judgment was obtained ("foreign proceedings") or had no opportunity to be heard in the foreign proceedings (*Tannos* at [28]–[29]). It is for the Singapore court to be satisfied on the evidence that the manner in which the foreign judgment was obtained complied with the requirements of natural justice; the views of the foreign court on whether the requirements of natural justice were met would not bind the Singapore court (*Tannos* at [58]).

61 The natural justice requirement that the defendant should have been given notice of the foreign proceedings may be satisfied (a) by showing that the defendant had actual notice of the foreign proceedings *or* (b) subject to certain qualifications, by showing valid service of court documents in the foreign proceedings ("foreign court documents") on the defendant. There is, of course, a perfect coincidence between the former and the latter where valid *personal* service of foreign court documents on the defendant is the means of showing that he had actual notice of the foreign proceedings. Leaving that scenario to one side, it would suffice for either the former or the latter to be shown in order

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to establish that the defendant was given notice of the foreign proceedings. I elaborate by making three sets of points.

62 First, actual notice can be established in the absence of valid service. This is because notice of foreign proceedings and service of foreign court documents should not be conflated; "notice" is a broader concept than "valid service" and the requisite notice may be established in the absence of valid service (see *Green Global Trading Ltd v Attorney-General* [2026] SGHC 50 at [18]; *DEM v DEL* [2025] 1 SLR 29 ("*DEM v DEL*") at [29]). In *Tannos*, where the appellants challenged the recognition of Indonesian court orders made in proceedings for interim debt restructuring ("PKPU proceedings"), Woo Bih Li J (as he then was) expressed the view that, even though service of the relevant Indonesian papers was not established, there would be no breach of natural justice if the appellants in fact had notice of the PKPU proceedings (at [72]–[73]). The majority, too, appeared to accept that even in the absence of valid service, there would be no breach of natural justice if actual notice could be inferred (*Tannos* at [59]). The Court of Appeal in *Tannos* was split only on the factual issue of whether there was indeed actual notice. Therefore, to the extent the Defendant suggested that "the technical requirement of service should … be construed as a necessary … condition" of showing an absence of breach of natural justice,[55] I disagree in that it is unnecessary to additionally show valid service where actual notice (through any means) has been established (including by inference).

63 Second, the Singapore court may deem from the valid service of foreign court documents that the defendant had notice of the foreign proceedings

[55] DWS at para 25.

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(subject to the qualifications at [64] below). For example, in *Tannos*, the majority held that if the PKPU summons had been properly served on the appellants, they "cannot be heard to argue" that they did not have the opportunity to attend the PKPU hearing (at [49]). In my view, this is because rules on service of documents generally seek to ensure that the defendant is given proper notice of proceedings. Valid service of foreign court documents according to the applicable foreign law would thus be likely to incline the Singapore court to the view that the defendant must have received notice of the foreign proceedings. This is especially so if, in a given case, Singapore rules provide for a similar method of service for the equivalent Singapore court document since that would mean the forum for recognition / enforcement generally regards such method of service as sufficient to give notice. This would explain why, in *Tannos*, in the context of the respondents' submission that the PKPU summons would have been validly served if sent via registered mail to the appellants' Indonesian address, the majority observed that "[i]n general, service of process by registered mail even under [Singapore] law would be regarded as valid so long as the summons is shown to have been properly posted to the recipient at the correct address for service" (at [53]) (although, on the facts of that case, the Court of Appeal found that the delivery of documents had failed due to an "incomplete address").

64 However, as it is ultimately for the Singapore court to be satisfied of compliance with the requirements of natural justice (see [60] above), I do not think the Singapore court would be precluded, in an exceptional case, from taking the view that valid service under the applicable foreign law in that case nevertheless did not, in the interests of justice, suffice to meet the requirement of notice. Further, it remains that deemed notice (through valid service) may

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nevertheless be rebutted by appropriate evidence of non-receipt (see *DEM v DEL* at [30]).

65 Third, both the content and timing of what was sent to or served on the defendant are relevant to the determination of whether he had such notice as would allow him to participate in the foreign proceedings. As regards content, in my view, the defendant could receive notice of the foreign proceedings by being sent or served a foreign court document other than the foreign originating process so long as that foreign court document contained sufficient information to indicate the existence of the foreign proceedings; while non-service or invalid service (if any) of the foreign originating process *might* raise an issue under foreign law of whether the foreign court was seised of jurisdiction, that is a different question from that of notice. As regards timing, the notification must have been sent to or served on the defendant in time for him to be heard in the foreign proceedings.

66 The point (at [65] above) can be illustrated in the negative with reference to the AR's suggestion, *obiter*, that the Second Xiamen Proceedings were a continuation of the First Xiamen Proceedings and that as service of process of the First Xiamen Proceedings had been effected on the Defendant through the Service Convention, such service need not be replicated in the Second Xiamen Proceedings (see [26] above). Without commenting on the substance of this suggestion (save to note that service of process of the First Xiamen Proceedings took place in 2021 (Judgment at [88]) whereas Singapore only acceded to the Service Convention in 2023), my respectful view is that it does not in any event bear on the germane issue of whether the Defendant had *notice* of the Second Xiamen Proceedings. This is because service of process of the First Xiamen Proceedings, however valid, could not possibly have the effect of notifying the

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Defendant that the Second Xiamen Proceedings were afoot a few years later. It must be appreciated that the purpose of the Singapore court's inquiry into whether there was valid service of foreign court documents is not to determine the validity of service for its own sake or as an end in itself; rather, the broader purpose is to ascertain if it can be concluded from valid service that the defendant had notice of the foreign proceedings. This is also why, circling back to the first point at [62] above, it is unnecessary to belabour the issue of the validity of service if actual notice is established.

The issue of actual notice

67 The Defendant submitted that it was not sufficient for the Claimant to show that there was valid service in compliance with Chinese law and that the Claimant also had to show (but could not show) that the Defendant had actual notice of the Second Xiamen Proceedings.[56] As would be evident from the above discussion on the law, I do not agree with the way the Defendant has put the point. Nevertheless, the Defendant's submission raises the issue of whether, and of what, the Defendant had actual notice. The AR thought it unnecessary to consider this issue (Judgment at [93]), but I respectfully take a different view, since the establishment of actual notice would dispositively refute the allegation of breach of natural justice.

68 Having considered the evidence, I find that the Defendant had actual notice of the Second Xiamen Proceedings in time to participate in them before the Second Xiamen Judgment was rendered. I reach this conclusion as it is the irresistible inference to be drawn from an agglomeration of the following

[56] DWS at paras 27–28.

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factors. The Defendant has not established any triable issue indicating otherwise.

69 First, in the Fujian Appeal Proceedings, the Defendant had actually "request[ed] that the [First Xiamen Judgment] be revoked and the case be sent back for retrial".[57] The Fujian Higher People's Court proceeded to grant the very relief sought by the Defendant: pursuant to the Fujian Appeal Judgment, the Fujian Higher People's Court revoked the First Xiamen Judgment and remitted the case to the Xiamen Intermediate People's Court for retrial.[58] Having *proactively* sought a retrial, it is inconceivable that the Defendant was unaware of the (outcome in the) Fujian Appeal Judgment and that there *was* going to be a retrial of the case. In these circumstances, I think it likely that he would have been alert to information on the status and progress of the retrial.

70 Second, it is undisputed that Mr Bai acted for the Defendant in the First Xiamen Proceedings and Fujian Appeal Proceedings. The latter only concluded on 30 October 2023 when the Fujian Appeal Judgment was issued. Less than a month thereafter, Mr Bai completed and signed the Confirmation Notice on 23 November 2023 indicating himself as the Defendant's "litigation attorney" (see [6] above). In my view, it is more likely than not that Mr Bai was still receiving instructions from the Defendant at the time he completed and signed the Confirmation Notice. It makes no sense for Mr Bai to have completed and signed the Confirmation Notice on a frolic of his own, and it is telling that the Defendant has not adduced any affidavit from Mr Bai explaining how Mr Bai came to complete and sign the Confirmation Notice. The Defendant has only

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57 GSH's 24 Jul 2025 Affidavit at p 102.

58 Tam's 2 Sep 2025 Affidavit at p 71.

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recently made a bare submission (not even stated on affidavit) that "when Mr Bai received and signed the Confirmation Notice, he did not inform the [Defendant] of the Case No. 249 for reasons best known to him".[59] I disregard this assertion which is made from the bar.

71 As the Confirmation Notice was signed *after* the Fujian Appeal Proceedings had concluded, it obviously pertained to the court documents to be delivered in respect of the retrial ordered by the Fujian Higher People's Court. In other words, in all likelihood, the Defendant and Mr Bai were expecting to receive court documents for the retrial. The fact that the Xiamen Intermediate People's Court would be sending court documents for the retrial was simply not an alien concept to the Defendant at the material time.

72 Third, the mail delivery records support the view that court documents sent by the Xiamen Intermediate People's Court to Mr Bai's Office were received thereat on 11 June 2024 and 12 July 2024 (see [8(a)] and [8(b)] above). Where one document sent in August 2024 was not received, there was an "Express mail return slip" evidencing its return to the post office (see [8(c)] above). The absence of any return slip in respect of the earlier two deliveries in June and July 2024 indicates that they were received at Mr Bai's Office. I place no weight on the Defendant's reliance on the absence of signed acknowledgments by Mr Bai and his assertion that "it is unclear whether Mr Bai Chongcheng had in fact received the notices"[60] because the Defendant adduced no affidavit from Mr Bai. This omission is suspicious because Mr Bai is best-placed to explain his own knowledge and actions. I see no reason why

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59 DWS at para 30.

60 GHT's 11 Jun 2025 Affidavit at para 17.

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Mr Bai, a legal professional, would have refused to provide an affidavit if requested to do so by the Defendant. In fact, the Defendant exhibited an exchange of correspondence between his Singapore solicitors and Mr Bai in August 2025 in which Mr Bai provided information as to how he became involved in the First Xiamen Proceedings;[61] there is no reason to think Mr Bai would have refused to explain matters in connection with the Second Xiamen Proceedings. In any event, it was not the Defendant's case that he had tried but failed to procure an affidavit from Mr Bai. The irresistible inference is thus that Mr Bai had received the court documents sent to Mr Bai's Office in June and July 2024. For completeness, the slight difference in address between Mr Bai's Address and Mr Bai's Office is irrelevant to the issue of actual notice because the delivery records show receipt of court documents at Mr Bai's Office, which the parties did not dispute was Mr Bai's office address.

73 I further find it more likely than not that Mr Bai, as a legal professional, would have alerted the Defendant to the court documents received at Mr Bai's Office. The Defendant has only recently made a bare submission (not even stated on affidavit) that "Mr Bai Chongcheng did not inform the [Defendant] of proceedings in Case No. 249".[62] I disregard this assertion which is made from the bar. The Defendant also argued that Mr Bai was not authorised to act for the Defendant in the Second Xiamen Proceedings.[63] However, that, even if true, is beside the point. The question is whether Mr Bai would have simply ignored the court documents received. I do not think so. In this regard, I find that it once

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61 Affidavit of Goh Heng Tee filed by the Defendant on 25 August 2025 at p 11.

62 DWS at para 28(a).

63 DWS at para 30.

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more tells against the Defendant that he failed to adduce an affidavit from Mr Bai explaining what Mr Bai knew and did.

74 Fourth, the waybill and postal tracking records support the view that court documents sent by the Xiamen Intermediate People's Court to the Carpmael Address were received at that address (see [9] above). To be clear, I do not think that the registered mail was "signed for" by someone in the Defendant's household. The AR appeared to take this view based on the fact that the "ACCEPTED BY (SIGNATURE)" field in each waybill contained a signature (Judgment at [61], [62], [64] and [92]). I disagree because (a) the "ACCEPTED BY (SIGNATURE)" field ("收寄人员签名" in the Chinese version) appears to be for the shipper's acknowledgment; (b) in each waybill, the date written in the "ACCEPTED BY (SIGNATURE)" field *matches* the date on which the Xiamen Intermediate People's Court *sent* the package (indicated in the "POSTING DATE & TIME" field) and *precedes* the package *delivery* date captured in the postal tracking record; and (c) the "RECEIVER'S NAME" field ("收件人签名" in the Chinese version) in each waybill was empty.[64] However, the absence of a signed acknowledgment of receipt does not detract from the postal tracking records showing that the deliveries to the Carpmael Address were successfully completed. The Defendant contended that there was insufficient proof that he or his household members had received the packages.[65] I disagree. The Defendant merely asserted that none of his household members were aware of who had signed the acceptance for the court documents[66] but this is a red herring given that the evidence shows the deliveries were completed

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64 GSH's 25 Aug 2025 Affidavit at pp 81–82, 85–86 and 90–91.

65 GHT's 11 Jun 2025 Affidavit at para 15.

66 Affidavit of Goh Heng Tee filed by the Defendant on 2 October 2025 at para 8.

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albeit not signed for. The Defendant produced no affidavit from his household members stating that the packages were not received by them. I therefore find it more likely than not that the Defendant received the court documents sent to the Carpmael Address.

75 Fifth, the descriptions of the court documents sent to and received at Mr Bai's Office and the Carpmael Address match the titles of the court documents in the Second Xiamen Proceedings exhibited by the Claimant in its affidavits for SUM 853 (see [7], [8(a)], [8(b)] and [9] above), and I have no reason to doubt that the exhibited court documents were comprised within the packages delivered to Mr Bai's Office and the Carpmael Address. The information contained in these court documents related to, *inter alia*, a scheduled court hearing date in the Second Xiamen Proceedings, steps for responding in the Second Xiamen Proceedings, and a deadline for the submission of evidence in the Second Xiamen Proceedings (see [7] above). This information amply notified the Defendant that the Second Xiamen Proceedings were afoot such that he could have participated in the proceedings if he wished.

76 Sixth, the court documents were delivered to Mr Bai's Office and the Carpmael Address in June and July 2024, well ahead of the scheduled court hearing on 7 August 2024 (see [7(a)] above) and also well ahead of the issuance of the Second Xiamen Judgment on 27 August 2024. The Defendant could have participated and been heard in the Second Xiamen Proceedings before the Second Xiamen Judgment was rendered.

77 The composite picture painted by the matters at [69]–[76] above therefore leads to me to find that the Defendant has not established any triable issue as regards his receipt of actual notice of the Second Xiamen Proceedings

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in time to participate in them before the Second Xiamen Judgment was rendered.

78 The Defendant's case that he had no opportunity to be heard in the Second Xiamen Proceedings rested solely on his anterior premise that he had no notice of the Second Xiamen Proceedings. As that premise has been dispelled, it follows that the Defendant also has no basis for asserting no opportunity to be heard. The Defendant cannot fault anyone if he chose not to participate and be heard in the Second Xiamen Proceedings after receiving notice of the same.

79 I therefore find that the Defendant has not shown that he has a fair or reasonable probability of raising a real or *bona fide* defence that the Second Xiamen Judgment was obtained in breach of natural justice. The enforcement of the Second Xiamen Judgment cannot be resisted on this ground, and the AR's grant of summary judgment for OC 40 should be upheld.

The issue of the validity of service

80 In the light of my decision on actual notice, it is unnecessary to determine whether the Defendant has raised any triable issue in relation to the validity of service of the court documents in the Second Xiamen Proceedings.

Variation of the AR's order on interest

81 The AR ordered interest to run on the sum of RMB 11,801,924.58 from 25 October 2019 but did not specify the rate of interest (Judgment at [94]). This is relevant because the Interest which the Defendant was ordered to pay under

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the Second Xiamen Judgment was to be "calculated based on the LPR standard on October 25, 2019" (see [11(a)] above).

82 The Claimant adduced evidence from Mr Zhang, who had also acted for the Claimant in the Second Xiamen Proceedings, that "LPR" referred to the Loan Prime Rate in the PRC, which was 4.85% as at 25 October 2019.[67] This was not refuted by the Defendant and his counsel accepted this position at the hearing of RA 215.

83 Pursuant to the court's power under O 18 r 8(4) of the ROC 2021, which provides that the appellate court may make any order relating to any part of the decision of the lower court and for any reason although that part is not the subject of any appeal and that reason is not stated by anyone in the appeal, I therefore vary the order made by the AR to the limited extent that the order should refer to interest at the rate of 4.85% (being the Loan Prime Rate in the PRC as at 25 October 2019) accruing on the sum of RMB 11,801,924.58 from 25 October 2019 to the date of payment.

Conclusion

84 In conclusion, SUM 23 was partially allowed in that the First Legal Opinion, but not the Second Legal Opinion, was permitted to be adduced. RA 215 is dismissed and the AR's grant of summary judgment is upheld, but the AR's order on interest is varied in the terms set out at [83] above.

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67 GSH's 24 Jul 2025 Affidavit at pp 105–106; Zhang's 18 Jul 2025 Affidavit at para 21.

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85 If the parties are unable to agree on the costs of SUM 23 and RA 215, they should file costs submissions limited to five pages (excluding any list of disbursements) within two weeks from the date of this judgment.

- Sgd -
Kristy Tan
Judge of the High Court

Kelvin Lee Ming Hui (WNLEX LLC) for the claimant in OC 40 / respondent in RA 215 and SUM 23;
Joshua Ho Jin Le and Luo Ling Ling (Luo Ling Ling LLC) for the defendant in OC 40 / appellant in RA 215 and applicant in SUM 23.

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