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District Judge Chiah Kok Khun
17 June 2026

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGMC 75

Magistrate's Court Originating Claim No 6953 of 2025
Magistrate's Court Summons No 1694 of 2026

Between

Mah Kiat Seng

… *Claimant*

And

Nathan S/O Puspagaran

… *Defendant*

JUDGMENT

[Tort — Assault and battery — Neighbours altercating — Whether evidential burden of assault and battery discharged — Whether intention to cause harassment, alarm or distress — Section 11 Protection from Harassment Act 2014]

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Mah Kiat Seng
v
Nathan S/O Puspagaran

[2026] SGMC 75

Magistrate's Court Originating Claim No 6953 of 2025
Magistrate's Court Summons No 1694 of 2026
District Judge Chiah Kok Khun
18 May, 9 June 2026

17 June 2026 Judgment reserved.

District Judge Chiah Kok Khun:

Introduction

1 The claimant and the defendant are neighbours. They reside in adjacent Housing and Development Board flats along the same corridor on a floor in Block 633, Pasir Ris Drive 3. The action before me stems from three incidents of altercation between the parties that took place on 15 July 2024, 27 March 2025 and 1 May 2025 (collectively, the "Incidents"). The Incidents took place along the common corridor outside the flats where the parties reside. In connection with the Incidents, the claimant who acts in person, makes claims against the defendant in damages for assault and battery and also damages for harassment under the Protection from Harassment Act 2014 (the "POHA").

2 The claimant's case is that the defendant assaulted and battered him in one of the Incidents,[1] and harassed him in the other two.[2] The claimant claims $20,000 in damages for assault and battery, $10,000 for harassment and $10,000 in aggravated damages.[3] The defendant on the other hand denies that he assaulted, battered or harassed the claimant during the Incidents.[4]

3 For the reasons below, I am dismissing the claimant's action.

Issues to be determined

4 The issues to be decided by me in this case are as follows:

(a) Whether the defendant assaulted and battered the claimant on 15 July 2024.

(b) Whether the defendant harassed the claimant on 27 March 2025 and 1 May 2025.

Analysis and findings

The claimant fails to discharge his burden of proof

5 I begin with the claimant's accounts of the Incidents. In respect of the 15 July 2024 incident, the claimant says that he was walking at the material time from his flat to the common rubbish chute located at the lift lobby area to dispose of some rubbish. After he had done so, and when he began to return to his flat the defendant came out from the defendant's flat and passed him at the

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1 Paras 4-12 of the statement of claim.

2 Paras 16-18 of the statement of claim.

3 Para 20 of the statement of claim.

4 Para 5 of the defendant's AEIC.

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lift lobby. As the claimant passed the defendant's flat on the way back to his own, the defendant's father "scolded vulgarities and curse words" at him for about one minute. He was complaining that the claimant was noisy when walking with his slippers. The defendant then appeared from the lift lobby and scolded vulgarities and curse words at the claimant. According to the claimant, the defendant adopted "an attacking posture with clenched fists and raised hands" and "charged at [him]". The defendant then grabbed his right hand with his left hand. The claimant felt pain from the grabbing. The claimant pulled his hand away and ran from the defendant, leaving his slippers behind. The defendant continued scolding vulgarities and curse words and kicked the claimant's slippers towards his direction.[5]

6 As for the 27 March 2025 incident, the claimant's case is that the defendant came from his flat to the claimant's flat to "hurl a litany of expletives" at him.[6] Thereafter, the defendant called the police. Police officers arrived and took statements from the parties.[7] As regards the 1 May 2025 incident, the claimant's case is that when he returned home to his flat, the defendant walked towards his flat and scolded the "same vulgarities" at him. This time, the claimant called the police. The police officers took statements from the parties and reviewed the footage of the closed-circuit television ("CCTV") mounted at the defendant's flat.

7 It is seen that the claimant's case is essentially that the defendant assaulted and battered him during the 15 July 2024 incident and harassed him during the 27 March 2025 and 1 May 2025 incidents.

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5 Para 4 of statement of claim.

6 Para 13 of statement of claim.

7 Para 14 of statement of claim.

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8 It is trite that whoever asserts a claim has the burden of proving the claim. The law in this regard is well established. The starting place is the Evidence Act 1893 (the "Evidence Act"). Section 103 of the Evidence Act states as follows:

> **Burden of proof**
>
> **103**.-(1) Whoever desires any court to give judgment as to any legal right or liability, dependent on the existence of facts which he asserts, must prove that those facts exist.
>
> (2) When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

9 The burden of proof referred to in s 103 of the Evidence Act is the legal burden of proof. The legal burden of proof does not shift. It remains with the claimant. It is a permanent and enduring burden. A party who has the legal burden of proof on any issue must discharge it throughout. However, the evidentiary burden shifts from one party to the other, with the legal burden always remaining with the claimant. At the start of the claimant's case, the evidentiary burden rests with the claimant. The claimant must first adduce *some* evidence to prove the fact in dispute. If the claimant adduces that evidence, the evidential burden then shifts to the defendant, to adduce some evidence in rebuttal. If the claimant fails to even shift the evidential burden by proving some evidence to prove the fact in dispute, both the evidential and legal burden remains with the claimant. He would be said to have failed to prove his claim. The law in this regard is set out in the Court of Appeal case of *SCT Technologies Pte Ltd v Western Copper Co Ltd* [2016] 1 SLR 1471 ("*SCT Technologies*") at [16]-[19].

10 With the above legal principles in mind, I return to the claimant's case. The claimant's case is first that the defendant assaulted and battered him during the 15 July 2024 incident. The claimant asserts that the defendant adopted "an

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attacking posture with clenched fists and raised hands" and "charged at [him]". The defendant then grabbed his right hand with his left hand. The claimant felt pain from the grabbing and pulled his hand away. In this regard, I note at the outset that there is no independent evidence of the alleged assault and battery. There are no witnesses attesting to the alleged assault or battery. There is no medical evidence of any form of the injury that the claimant might have sustained during the alleged battery. There are no photographs evidencing any injury the claimant might have suffered. I am left with nothing more than only the claimant's own words regarding his claim. I have therefore before me an assertion without any evidence. The claimant has failed to adduce some evidence to prove the fact of the assault and battery in order to shift the evidential burden of proof to the defendant. The burden of proof thus remains with the claimant, which he has failed to discharge.

11 It is likewise for the claimant's case as regards the 27 March 2025 and 1 May 2025 incidents. The claimant's case is that the defendant's actions constitute harassment under ss 3 and 4(1) of the POHA. The claimant is relying on s 11 to bring a civil action against the defendant for contravention of ss 3 and 4(1). Sections 3(1), 4(1) and 11 of the POHA state as follows:

> **Intentionally causing harassment, alarm or distress**
>
> **3.**—(1) An individual or entity must not, with intent to cause harassment, alarm or distress to another person (called in this section the target person), by any means —
>
> (a) use any threatening, abusive or insulting words or behaviour;
>
> (b) make any threatening, abusive or insulting communication; or
>
> (c) publish any identity information of the target person or a related person of the target person,
>
> and as a result causing the target person or any other person (each called in this section the victim) harassment, alarm or distress.

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> …
>
> **Harassment, alarm or distress**
>
> **4.**—(1) An individual or entity must not by any means —
>
> (a) use any threatening, abusive or insulting words or behaviour; or
>
> (b) make any threatening, abusive or insulting communication,
>
> which is heard, seen or otherwise perceived by any person (called in this section the victim) likely to be caused harassment, alarm or distress.
>
> …
>
> **Action for statutory tort**
>
> **11.**—(1) The victim under section 3, 4, 5 or 7 may bring civil proceedings in a court against any individual or entity alleged to have contravened that section in relation to the victim (called in this section the respondent).
>
> (2) In such proceedings, if the court is satisfied on the balance of probabilities that the respondent has contravened that section as alleged by the victim, the court may award such damages in respect of the contravention as the court may, having regard to all the circumstances of the case, think just and equitable.

12 It is seen that under these provisions, the claimant must prove not only that the defendant used threatening, abusive or insulting words or behaviour towards him, he must also prove that the defendant in using those words or behaviour had an intention to cause harassment, alarm or distress to him (s 3); and that the claimant was likely to be caused such harassment, alarm or distress (s 4(1)). However, the claimant has not proved that the defendant had used threatening, abusive or insulting words or behaviour towards him in the first place. Further, the claimant has failed to prove the defendant had an intention to cause harassment, alarm or distress to him; and that the claimant was likely to be caused such harassment, alarm or distress. As with his claim for assault and battery, I have nothing more than the claimant's words. They are mere assertions without evidence. The claimant has failed to adduce some evidence

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to prove the contravention of ss 3 and 4(1) in order to shift the evidential burden of proof to the defendant. The burden of proof remains with him, which he has failed to discharge. I therefore find that the claimant has failed to prove his case under s 11(2) of the POHA.

The defendant's version of events contradicts the claimant's case

13 For completeness only, I turn to the defendant's version of the Incidents. I note that the defendant's version of the 15 July 2024 incident contradicts the claimant's assertion of assault and battery. The defendant states that he had no dealings with the claimant and had not spoken to him before the 15 July 2024 incident. On that day, the defendant was returning his flat after taking his dog to the ground floor to relieve itself. He was holding the leash of his dog with one hand and was exiting the lift when he saw the claimant at the door of his flat. The defendant heard the claimant shouting vulgarities at his father and challenging his father (who uses a walker to get about) to a fight. When the defendant asked the claimant why he was shouting at his father, the claimant responded by shouting aggressively with vulgarities. They then exchanged heated words. When the claimant eventually walked back towards his flat, he left his slippers behind. The defendant recalled sliding the slippers back towards the claimant's flat.[8] The defendant added that he was holding the leash of his dog and did not charge at or grab the claimant. He did not adopt any attacking posture with clenched fist or raised hands. As he was much stronger and bigger in size than the claimant, the defendant says that if he had hit or grabbed the claimant during the incident, the claimant would have suffered injuries.[9]

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8 Para 9 of the defendant's AEIC.

9 Para 8 of the defendant's AEIC.

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14 The defendant adds that the police arrived subsequently, but the defendant declined to file a report. After the police had left however, the claimant returned to the defendant's flat and shouted that "this is not the end of it". The defendant took a video with his mobile phone of the shouting. He installed a CCTV camera that same evening and paid for the subscription to the server for the recording. He then made a police report. He says that he was concerned that the claimant would harm his dog.[10]

15 It is seen that the defendant's account of the 15 July 2024 incident is counter to the claimant's assertion of assault and battery. To be clear, I have referred to the defendant's version of the 15 July 2024 incident for completeness only. As I have discussed above, it is for the claimant to prove his case for assault and battery, and the claimant has failed to discharge his burden of proof. It should also be noted that the claimant filed a private summons against the defendant relating to the 15 July 2024 incident.[11] The Attorney General Chambers however intervened and withdrew the complaint against the defendant on 11 July 2025.

16 As regards the 27 March 2025 incident, the defendant's version is that at the material time he was looking after a stray cat that had been left in front of his flat. The defendant was contacting National Parks Board ("NParks") with his mobile phone to hand it over for treatment as the cat had an open wound near its tail and appeared malnourished. Whilst he was on the phone with NParks, the cat went past the claimant's flat. The defendant was following the cat when the claimant came out of his unit and shouted at him and filmed him at the same time. The defendant explained to the claimant that he was helping a

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10 Para 11 of the defendant's AEIC.

11 PS 900007/2025.

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stray cat. He did not make verbal threats, gestures or vulgarities towards the claimant. The claimant on the other hand raised his voice and used abusive language. The defendant produced CCTV recording showing that he was holding a bowl of food for the stray cat at the material time. He also produced his mobile phone call log displaying his call with NParks.[12]

17 As for the 1 May 2025 incident, the defendant's account is that at the material time the claimant was stomping his feet loudly and aggressively when leaving and returning to his unit, and waking the defendant's mother and causing her distress. The defendant wanted to speak to the claimant to resolve matters as neighbours. He walked to the claimant's flat but found that the claimant was not there. He thus returned to his unit without knocking on the claimant's door. This was captured by the defendant's CCTV, which showed him walking towards and then back from the claimant's flat without any gestures, confrontation or vulgarities. The footage was shown to the police officers who arrived subsequently. The defendant added that it was the claimant who then went over to the defendant's flat and shouted at him. The defendant has produced the footage of the claimant shouting in front of the flat.[13]

18 It is seen therefore that the defendant's account of the 27 March 2025 and 1 May 2025 incidents likewise contradicts the claimant's case of harassment under the POHA. In any case, I have made the finding above that it is for the claimant to prove his case for harassment, and the claimant has failed to discharge his burden of proof.

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12 Paras 14-15 of defendant's AEIC.

13 Paras 16-19 of the defendant's AEIC.

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19 I turn next to Magistrate's Court Summons No 1694 of 2026 ("SUM 1694"). The claimant filed SUM 1694 to apply to court for the defendant to produce at the trial the video footage showing the defendant charging at and attacking the claimant on 15 July 2024 at 08:35am.

20 However, there is no evidence that such video footage exists. As alluded to above, after the police left the scene on 15 July 2024, the claimant returned to the defendant's flat and shouted that "this is not the end of it". The defendant took a video with his mobile phone of the claimant shouting outside the defendant's flat. The defendant had recorded the shouting by the claimant after the police left, and not the altercation before that. There is therefore no footage of the incident before that, and the defendant has stated so on affidavit.[14] The defendant has also produced the video footage of the claimant shouting outside the defendant's flat.[15] I therefore dismiss SUM 1694 as there is no evidence that the video footage requested for by the claimant exists.

21 Finally, I refer to para 46 of the claimant's closing submissions dated 9 June 2026, which states as follows:

> **X. Leave To Appeal**
>
> 46. I am taking a leaf out of Judge Chiah's book when he asked both parties to submit their opinions on costs to be awarded so as to save on time and transport. When delivering his decision on this case, I would like to request for Judge Chiah to give a decision on whether he would grant me leave to appeal. If "yes", no reason is needed. If "no", then he shall provide reasons.

22 It is seen that the claimant has requested this court to give a decision on whether leave to appeal would be granted and to provide the reasons. As the claim in the present case is below the value of $60,000, leave to appeal is

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[14] Para 16 of the defendant's affidavit filed on 6 May 2026.

[15] Paras 17 & 19 of the defendant's affidavit filed on 6 May 2026.

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required under s 21(1)(a) of the Supreme Court of Judicature Act 1969. The law in regard to leave to appeal is trite. An applicant for permission or leave to appeal is required to show that a serious and important issue of law is involved. In *Lee Kuan Yew v Tang Liang Hong and another* [1997] 2 SLR(R) 862 ("*Lee Kuan Yew*"), the Court of Appeal highlighted three alternative limbs which can be relied upon when leave to appeal is sought (at [16]):

(a) *Prima facie* case of error of law.

(b) Question of general principle decided for the first time.

(c) Question of importance upon which further argument and a decision of a higher tribunal would be to the public advantage.

23 It has been recently affirmed that the three limbs set out above remain the applicable test to determine whether there is a serious and important issue of law involved: see *Luckin Coffee Inc v Interactive Digital Finance Ltd and others* [2024] 1 SLR 254 ("*Luckin*") at [20]. It is also held in *Luckin* at [21] that the second and third limbs are substantially the same and may be considered together.

24 As regards the test of *prima facie* case of error of law, it is important to distinguish between question of law as opposed to questions of facts to be considered: *Abdul Rahman bin Shariff v Abdul Salim bin Syed* [1999] 3 SLR(R) 138 at [31]; *Rodeo Power Pte Ltd and others v Tong Seak Kan and another* [2022] SGHC(A) 16 at [10]. As for the question of general principle decided for the first time, the key is that it must be a question of general principle: See *Essar Steel Ltd v Bayerische Landesbank and others* [2004] SGHC 90 at [27]. Finally, in respect of a question of importance upon which further argument and a decision of a higher tribunal would be to the public advantage, it is incumbent

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upon the applicant to state what the question of importance is. If the question of importance is not in issue in the first place, the application must fail: see generally, *Virtual Map (Singapore) Pte Ltd v Singapore Land Authority and another application* [2009] 2 SLR(R) 558 ("*Virtual Map*").

25 Turning to the present case, it is plain that the case does not involve any serious and important issue of law. The case turns entirely on questions of facts. There is certainly no general principle of law decided for the first time. The case is decided against the claimant on the specific facts of the matter. There is no reason to grant any leave to appeal. There is a complete absence of any question of importance upon which a decision of a higher tribunal would be to the public advantage.

Conclusion

26 In the premises of the above, I find that the claimant has failed to prove on a balance of probabilities his claims of assault and battery, and harassment against the defendant. The claimant's action is therefore dismissed.

27 As regards the question of costs, I note that the range of fixed costs prescribed under O 21 r 10 of Rules of Court 2021, App 1, Pt 5, is $4,000 to $12,000 for the amount claimed. Taking into consideration the nature of the claims, the work done by parties for the action, the time spent for the trial and the respective submissions on costs, I fix costs at $10,000 (inclusive of disbursements) plus any applicable GST, to be paid by the claimant to the defendant.

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Chiah Kok Khun
District Judge

Mah Kiat Seng, Claimant in person;
Low Woon Ming (W M Low & Partners) for the defendant.

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