IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[1990] SGHC 127

DC Suit 3612/1989

Between

Doehring Norbert

… Plaintiff

And

Sin-Deutschland Hi-Tech
Dental Lab Pte Ltd

… Defendant

GROUNDS OF DECISION

Version No 1: 20 Nov 2026 (00:35 hrs)

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Doehring Norbert v Sin-Deutschland Hi-Tech Dental Lab Pte Ltd

[1990] SGHC 127

DC Suit 3612/1989
Chan Sek Keong J
20 February 1990

1) This is an appeal by the plaintiff against the decision of the Deputy Registrar of the Subordinate Courts ordering that:

(a) interlocutory judgment be entered for the . plaintiff against the defendants for over-time pay with damages to be assessed;

(b) costs of the application for final judgment for the sum of $646.67 be fixed at $200;

(c) the defendants be given leave to defend the balance of the plaintiff's claim with costs in the cause.

2) The plaintiff was summarily dismissed from the employment of the defendants. He claimed that the dismissal was wrongful and commenced this action of damages for wrongful dismissal, arrears of salary and arrears of over-time pay. The plaintiff applied for summary judgment and obtained the orders under appeal. It is to be noted that he succeeded in two of his three claims.

3) The appeal against the first order was withdrawn at the start of this hearing as the damages had been agreed between the parties and paid by the defendants. As regards the appeal against the third order, counsel for the defendants was not confident he would succeed, in my view, the appeal against this order must fail as the issue was one of fact as to whether or not the plaintiff was guilty of insubordination and incompetence.

4) Counsel indicated that he was more interested in appealing against the third order as he wished to establish the point as generally understood by members of the bar practicing in the Subordinate Courts that a plaintiff who succeeded in obtaining summary judgment under Order 14 of the Subordinate Courts Rules 1986 on any part of his claim or for any amount (however small it was) was entitled to the amount of the fixed costs prescribed under Part II of Appendix 2 to Order 57. Part II of Appendix 2 provides for fixed costs at $700 to be allowed in cases where the plaintiff obtains judgment under Order 14 unconditionally. Counsel for the plaintiff accordingly submitted that his client was entitled to $700 costs even though judgment was obtained unconditionally for part of his claim for $647.47. Counsel submitted that the Deputy Registrar had no discretion to fix the costs at $200.

5) In my view, Appendix 2 of Order 57 does not apply to the/present case. Parts I and II of Appendix 2 are as follows:

FIXED COSTS

PART I

COSTS ON JUDGMENT WITHOUT TRIAL

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FOR A LIQUIDATED SUM

1. The scale of costs set out in Part II of this Appendix shall apply in relation to the following cases if the writ of summons therein was issued and indorsed in accordance, with Order 6, Rule 2(1) (b), with a claim for a debt or liquidated demand, that is to say -

(a) cases in which the defendant pays the amount claimed within the time and in the manner required by the indorsement of the writ;

(b) cases in which the plaintiff obtains judgment in default of appearance under Order 13, Rule 1, or under that Rule by virtue of Order 71, Rule 5, or judgment in default of defence under Order 19, Rule 2, or under that Rule by virtue of Order 71, Rule 5;

(c) cases in which the plaintiff obtains judgment under Order 14 either unconditionally or unless that sum is paid into Court or to the plaintiff's solicitors."

PART II

BASIC COSTS

Costs to be allowed in cases.'under the ' following sub-paragraphs of paragraph 1 of this Appendix.

(a)	(b)	(c)
$250.00	$450.00	$700.00'

6) Part II of the Appendix applies only in relation to cases if the writ of summons is issued and indorsed in accordance with Order 6 Rule 2(1)(b) with a claim for a debt or liquidated demand. Order 6 Rule 2(1)(b) provides as follows:

"Before a writ is issued it must be indorsed -

(a) .....

(b) where the claim made by the plaintiff is for a debt or liquidated demand only, with a statement of the amount claimed in respect of the debt or demand and for costs and also with a statement that further proceedings will be stayed if, within the time limited for appearing, the defendant -

(i) except in either of the cases mentioned in paragraph (2), pays the amount so claimed to the plaintiff or his solicitor;

(ii) in either of the said cases, pays that amount into Court." (my emphasis)

7) In my view, Paragraph 1 of Part I of Appendix 2 when read together with Order 6 Rule 2(1}(b), applies to action where the only claim indorsed in the writ of summons is for a debt or liquidated demand and not where it is indorsed with other claims. Where the plaintiff obtains summary judgment on such a claim, the action comes to an end and he is given his full (fixed) costs of the action as prescribed by the Rules. This construction is preferable to that put forward by counsel for the appellant as otherwise, a plaintiff who obtains summary judgment in one out of two or more disparate claims which together bring the claims within the jurisdiction of the District Court would be entitled to the maximum costs on the District Court scale when the successful claim, if it were the sole claim, would not have been entitled to costs on such scale. In the present

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case, if the claim for arrears of salary had stood alone, the plaintiff would have had to commence his action in the Magistrate's court and would not have been entitled even to $200. The other objection to the appellant's case is that on his argument, he would be entitled to a second set of costs for assessment of damages and also a third set of costs if he succeeds on the third claim.

8) The case before me is however not one where the claim is for a debt or liquidated demand only. The liquidated demand of $646.67 for which the plaintiff had obtained judgment was one of three claims set out in the statement of claim. Two of these claims were for damages.

9) Subject to Rules of Court, costs are always in the discretion of the Court: see Order 57 Rule 2. Order 57 Rule 3 provides as follows:

"(1) Subject to the following provisions of this Order, no party shall be entitled to recover any costs of or incidental to any proceedings from any other party to the proceedings except under an order of the Court.

(2) If the Court in the exercise of its discretion sees fit to make any order as to the costs of or incidental to any proceedings, the Court shall, subject to this Order, order the costs to follow the event, except when it appears to the Court that in the circumstances of the case some other order should be made as to the whole or any part of the costs."

10) In my view, the order for costs in this case would fall ,within Rule 3(2) in the circumstances of this case. As it has not been contended that the Deputy Registrar has exercised his discretion wrongly in fixing costs at $200, the appeal is dismissed with costs.

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Chan Sek Keong J

Yap Shao Sin for Plaintiff/Appellant
Robin Tan for Defendants/Respondents

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