

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[1992] SGHC 339

MC Suit 1173/1992

Between

Credit Development (Private)
Limited

... Plaintiff

And

ATS Arts Centre Private
Limited

... Defendant

GROUND OF DECISION

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**Credit Development (Private) Limited v ATS Arts Centre
Private Limited**

[1992] SGHC 339

MC Suit 1173/1992
Judith Prakash JC
31 December 1992

1 **JUDGMENT:**

2 **GROUND OF DECISION**

3 This suit is related to D C Suit No 6162 of 1989 ("the first action"). The parties in the first action are identical to the parties in the present suit.

4 In the first action the plaintiffs, as landlords, sued the defendants, as tenants, for rent and service charge owing in respect of unit #03-16 and #03-17 at High Street Centre, Singapore ("the premises") for the period September 1988 to October 1989. In this suit, the plaintiffs sued the defendants for unpaid rent and service charge for the same premises for the period from November 1989 to February 1990. Both suits arose out of the same tenancy agreement between the parties which was dated 1 March 1987.

5 In the first action, the defendants raised a defence of waiver of rental by the plaintiffs. On the application by the plaintiffs for summary judgment, the learned Deputy Registrar held that the defendants had not raised any triable

issues relating to the alleged waiver and judgment was entered for the plaintiffs. The defendants appealed against the decision of the learned Deputy Registrar. I heard their appeal and dismissed it.

6 An application for summary judgment was also made by the plaintiffs in this suit. They were successful and the defendants appealed to this court against the judgment entered against them. The defendants appeal in the first action and their appeal in this case were fixed for hearing together. At the hearing of this appeal, counsel for the defendants confirmed that the arguments which the defendants were putting forward in response to the claim in this action were the same as those put forward in response to the claim in the first action. Accordingly the decision of the court in relation to the first action would apply in relation to the appeal in this action as well.

7 As the appeal of the defendants in the first action was dismissed, it naturally followed that their appeal in this action had to be dismissed as well. My reasons for dismissing the appeal in the first action are as set out in the Grounds of Decision in that case, a copy whereof is annexed hereto and marked "A". Those reasons apply equally to the suit herein.

Judith Prakash JC

Philip Jeyaretnam for the plaintiffs
Genevieve Tan for the defendants
