IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[1998] SGHC 68

Suit 2004/1993, SIC 1027/1998, SIC 1325/1998

Between

Kea Resources Pte Ltd

… *Plaintiff*

And

Marine Technologies Holdings Pte Ltd

… *Defendant*

GROUNDS OF DECISION

Version No 1: 29 Oct 2026 (23:45 hrs)

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Kea Resources Pte Ltd v Marine Technologies Holdings Pte Ltd

[1998] SGHC 68

Suit 2004/1993, SIC 1027/1998, SIC 1325/1998
G P Selvam J
06 March 1998

1 **Judgment:**

2 **GROUNDS OF DECISION**

3 By two summons-in-chambers (Nos 1027 of 1998 and 1325 of 1998) the defendants in Suit No 2000 of 1996 applied to vacate the hearing dates from 30 March 1998 to 3 April 1998 and for additional 5 hearing days and to join another party, Ngiam Choong Kam, and stay of proceedings until the plaintiffs amend the writ of summons and statement of claim and consequential orders.

4 I dismissed both applications. These are my reasons.

5 1. This is a part heard matter. It was part heard on 18, 19, 24, 25, 26, 29 and 30 September 1997. The plaintiffs case has effectively been concluded in that the principal witnesses have all given their evidence and have been cross-examined. One more witness on valuation remains to be called.

6 2. If another party is added at this stage it will be forcing the plaintiffs to proceed against someone they do not wish to. At the trial I asked why Ngiam Choong Kam had not been added as a party. I was informed that the plaintiffs had agreed not to proceed against him. In view of that I do not see how the Court can force them to do that.

7 The nature of the case is such that if the plaintiffs are now forced to plead against Ngiam Choong Kam it will give rise to absurdities. The plaintiffs said that they have waived the cause of action.

8 3. More importantly as the judge who heard the case I will find it extremely unwieldy to recall the plaintiffs' witnesses and ask them to replead and reprepare the case. I cannot do it with efficiency and justice if it can be done at all.

9 It will be oppressive and distressing to the plaintiffs and their witnesses. It will also cause unjustifiable delay to them.

10 4. The present application was caused by the applicant's decision to change his solicitor and counsel. They have had an opportunity but thought fit not to make the application.

11 5. The present applicant Chan Kern Miang and Ngiam Choong Kam have already been before Christopher Lau JC in another case. That case and this case, if Ngiam Choong Kam is joined, would have common features on evidence. That case was abandoned after the parties agreed to have their disputes arbitrated. The court procedure thus is being abused.

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12 6. The application to vacate was filed as early as 23 February 1998 although it was heard by me only on 3 March 1998. The defendants and their present lawyers have had sufficient time to arrange for another counsel to take over the matter. A vacation of 5 hearings days will cause administration difficulties and loss of public funds.

13 7. In effect these applications seek to impose on the plaintiffs and the Court the convenience of the defendants and their lawyers even though it will be oppressive and distressful on the plaintiffs. It will also complicate my further conduct of the case with Ngiam Choong Kam as an additional party. Adding Ngiam Choong Kam as a third party at this stage will not alleviate the problems I have mentioned. If he is added as a third party, the defendant Chan Kern Miang will achieve indirectly what he cannot get directly.

14 8. In the cases relied on by the applicants the application to add the party were made before the trial. There are cases where a party can be added at any time. But the circumstances of this case are heavily weighed against addition because it was made so late in the proceedings.

15 9. It was argued for the applicant that Ngiam Choong Kam ought to be inducted into the present proceedings in order to avoid multiplicity. Ironically it is his induction that will result in duplication because the plaintiffs and the Court will be forced to rehearse their case twice over. The Court will have to start all over again and rehear a half completed case. Further the case has been slated for 5 more hearing days. The applicant now wants that number to be doubled and the plaintiffs have to bear the wastage. This cannot be remedied by costs because the plaintiffs' are very busy business people. Costs cannot adequately compensate the wastage of their time and effort.

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16 **G P SELVAM**

17 **JUDGE**

Solicitors: Hee Teng Fong & Co

Wong Partnership

C Arul & Partners

G P Selvam J

Hee Theng Fong with Doris Lee (Hee Theng Fong & Co) for the plaintiffs
Mohan Pillay with Chan Hock Keng (Wong Partnership) for the defendants in S 2000/96
Arivanantham s/o krishnan for the defendants (C Arul & Partners) in S 2004/93

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