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

[2025] SGHC(A) 26

Appellate Division / Originating Application No 32 of 2025

Between

Foo Diana

… *Applicant*

And

Woo Mui Chan

… *Respondent*

JUDGMENT

[Civil Procedure — Further arguments]

Foo Diana
v
Woo Mui Chan

[2025] SGHC(A) 26

Appellate Division of the High Court —Originating Application No 32 of 2025
Debbie Ong Siew Ling JAD and See Kee Oon JAD
14 November 2025

31 December 2025

Debbie Ong Siew Ling JAD (delivering the judgment of the court):

Introduction

1 This judgment addresses a procedural issue: on what basis should an appellate court allow further arguments from the parties after it has already rendered its decision on an application.

2 On 13 October 2025, we dismissed the applicant's application in HC/OA 32/2025 ("OA 32") for an extension of time to file a notice of appeal in relation to the decision in HC/S 510/2021 ("S 510"). Two weeks later, the applicant filed a request to make further arguments in respect of that same application, OA 32. The respondent opposed the request. We refuse the applicant's request for further arguments for the reasons set out below. Essentially, the applicant's further arguments are aimed at curing deficiencies

in her earlier submissions which had been identified in our brief reasons for dismissing OA 32.

Background

3 The applicant is an advocate and solicitor of approximately 20 years standing. She became acquainted with the respondent sometime in 2015, and the two subsequently became friends. Their relationship eventually soured due to disagreements over some loans extended by the applicant to the respondent. Sometime in 2018, the respondent posted an unfavourable online review relating to the applicant on the Google page of The Law Society of Singapore ("LSS"). Later, in 2020, the respondent filed a written complaint to the LSS in respect of the applicant. The applicant sued the respondent in S 510 for defamation in respect of those two statements.

4 Following a trial, on 14 August 2023, a Judge of the General Division of the High Court ("Judge") found the respondent liable for defaming the applicant in respect of both statements (see *Foo Diana v Woo Mui Chan* [2023] SGHC 221 at [47] and [71]). A hearing on the assessment of damages then followed, and on 28 March 2025, the Judge awarded the applicant damages in the sum of $41,250 (see *Foo Diana v Woo Mui Chan* [2025] 4 SLR 95 at [145]). The Judge did not decide the issue of costs then and instead issued directions on submissions on costs and disbursements on the same day. On 2 July 2025, the Judge awarded costs of the entire action (including the assessment of damages) to the applicant, fixed at $25,000 (excluding disbursements) (see *Foo Diana v Woo Mui Chan* [2025] SGHC 125 at [34]). The Judge also issued directions for the parties to make submissions on disbursements. On 8 August 2025, the Judge fixed the disbursements to be paid

by the respondent to the applicant at $5,000, and this order was varied on 12 August 2025 to $6,810.

5 On 18 August 2025, the applicant attempted to file a notice of appeal. This filing was rejected the next day, on the basis that the appeal against the Judge's decision on damages of 28 March 2025 was not filed within the timeline set out in O 19 r 25 read with O 19 r 4 of the Rules of Court 2021 ("ROC 2021"). The applicant was also informed, among other things, that she may apply for an extension of time to appeal that decision.

6 On 20 August 2025, the applicant attempted to file an application in the General Division of the High Court for, among other things, an extension of time to file a notice of appeal in respect of the decisions and orders made by the Judge on 28 March (on the quantum of damages), 2 July (on the quantum of costs) and 12 August 2025 (on the quantum of disbursements). This filing was rejected on 22 August 2025 as the application was made to the incorrect court.

7 Finally, on 1 September 2025, the applicant filed OA 32 in the Appellate Division of the High Court ("Appellate Division") seeking the following:

(a) an extension of time to file a notice of appeal in respect of the decisions and orders made by the Judge in S 510 on 28 March (on the quantum of damages), 2 July (on the quantum of costs) and 12 August 2025 (on the quantum of disbursements);

(b) an order that the notice of appeal be filed within 28 days of the determination of the application; and

(c) liberty to apply.

8 At the time OA 32 was filed, the applicant was representing herself through her own law practice, Legal Eagles. Subsequently, on 27 October 2025, she appointed her present counsel to represent her. The respondent was and continues to be self-represented.

Parties' Submissions in OA 32

Applicant's Submissions

9 The applicant in her written submissions initially appeared to suggest that she was not out of time to appeal. She submitted that O 19 r 4(2)(*b*) of the ROC 2021 should apply. Order 19 r 4(2)(*b*) states that in the case of a bifurcated trial, the time for the filing of an appeal in respect of a distinct bifurcated portion of the trial starts to run from the date of the determination in respect of that bifurcated portion. She thus submitted that the time to appeal only started to run from 12 August 2025, when the Judge determined the quantum of disbursements. In this regard, the applicant stated that the "actual total sum of disbursements incurred by [her]" for both the liability and damages tranches, which allegedly amounted to more than $20,000, was a material sum, although she did not explain how this was "material" or how it impacted the analysis.

10 The applicant further stated in her submissions that if O 19 rr 4(2)(*a*) or 4(2)(*b*) of the ROC 2021 applied (see [9] above), then the time to appeal started to run from 2 July 2025 instead, which is when the Judge delivered his decision on costs. In this scenario, she submitted that she would have been out of time by 18 days. In the event that O 19 r 4(1A) of the ROC 2021 applied instead, the applicant accepted that she would be out of time by about two and a half months. Order 19 r 4(1A) provides that where the court does not determine the issue of costs within 30 days after it has heard and determined all other matters in the

trial, the time for the filing of an appeal starts to run after the expiry of the 30-day period.

11 To support her application for an extension of time, the applicant made submissions primarily on the reasons for the delay and the lack of any prejudice to the respondent. With respect to the former, she contended that she "was just waiting for the … court to conclude all matters" (on the questions of liability, costs and disbursements) and should not be made to start filing the notice of appeal within 30 days of the Judge's decision on quantum made on 28 March 2025 and be made to file three separate notices of appeal, which would entail "unnecessary and repetitive filing fees" amounting to "great costs". She argued that she should not be prejudiced if the court had determined the quantum of damages, costs and disbursements on "3 different dates".

12 On her chances of succeeding on appeal, the applicant merely asserted, without presenting any basis, that she had a good chance of succeeding as "the damages awarded to her of $41,000 is too low". She did not elaborate on this factor, stating that "[h]er reasons for the prospective appeal will be canvassed at length when leave [to file the notice of appeal] is granted". She submitted that the threshold to satisfy this factor is low and the court tasked with determining if an extension of time is to be granted "does not scrutinise too closely the merits of the would-be appeal".

13 Finally, she argued that there was no prejudice to the respondent, especially since there had yet to be any payment by the respondent of the judgment sum owed to the applicant.

Respondent's Submissions

14 The respondent contended that the applicant's belief in when the time to appeal started to run was misguided. She submitted that the relevant time started to run from 2 July 2025 when the Judge delivered his decision on costs, and not when the Judge delivered his decision on disbursements. Under the impression that the applicant only filed her application for an extension of time on 27 August 2025, the respondent identified a delay of 25 days, which she regarded as "extremely long and unjustified as the [applicant] is a qualified lawyer herself".

15 The respondent attributed the delay to the applicant's misinterpretation or misunderstanding of the law. This reason was, according to the respondent, "unacceptable and shocking" and "totally without any merits" given the applicant's status as a practising lawyer. The respondent also alleged "grave injustice" and "prejudice" if the application were to be granted, although she did not particularise these assertions.

Our decision in OA 32

16 Having considered the parties' submissions above and the relevant circumstances, we declined to grant the extension of time sought and dismissed the application in OA 32 on 13 October 2025, setting out our brief reasons in a minute sheet issued to the parties. We reproduce broadly our reasons below.

17 It was first necessary to determine when the time to file the notice of appeal started to run in the present case. Pursuant to O 19 r 4(1) of the ROC 2021, the time for the filing of an appeal does not start to run until after the Judge has heard and determined all matters in the trial, including costs. This is subject to O 19 r 4(1A) of the ROC 2021 which states that where the lower

Court does not hear and determine the issue of costs within 30 days after hearing and determining all other matters in the trial, the time for the filing of an appeal starts to run after the expiry of the 30-day period, even if directions for submissions on costs have been issued. In the present case, the time for the filing of an appeal against the decision in S 510 started to run from 27 April 2025, being 30 days after 28 March 2025 when the Judge determined the award of damages in favour of the applicant.

18 Pursuant to O 19 r 25 of the ROC 2021, the notice of appeal in this case must be filed within 28 days after the expiry of 30 days of the Judge's decision on 28 March 2025. Thus, the notice of appeal would have had to be filed by 26 May 2025. The applicant's attempt to file the notice of appeal on 18 August 2025 was almost three months after 26 May 2025, and OA 32 was filed more than three months after that date.

19 In deciding whether an extension of time should be granted, the court will consider four factors: (a) the length of delay; (b) the reasons for the delay; (c) the applicant's chances of success on appeal; and (d) any prejudice that the respondent would suffer if the extension of time is granted (see *Lee Hsien Loong v Singapore Democratic Party* [2008] 1 SLR(R) 757 ("*Lee Hsien Loong*") at [18]). All four factors are of equal importance and must be balanced amongst one another, having regard to all the facts and circumstances of the case (*Lee Hsien Loong* at [28]).

20 On the first factor, the length of delay, we regarded the delay of almost three months to be a very substantial one (see *AD v AE* [2004] 2 SLR(R) 505 at [11] where a delay of 49 days was similarly considered "a very substantial delay"). In respect of the second factor on the reasons for the delay, the applicant explained that she could not be expected to file the notice of appeal until all

matters were resolved, which was when the decisions on liability, costs and disbursements had all been delivered. We found that this was an unacceptable reason. The procedural requirements are clear, and the Rules of Court must be complied with reasonable diligence (see *Cao Pei v McCom Holding Ltd* [2025] 1 SLR 745 at [24], citing *Anwar Siraj Ting Kang Chung John* [2010] 1 SLR 1026 at [30]). In any event, if the applicant had intended to take this course from the beginning, it was open to her to seek an extension of time at an earlier opportunity. The length of delay was inordinate, and no *satisfactory* reasons were given by the applicant for the delay.

21 Turning to the third factor, the applicant's chances of success, we considered whether the applicant's prospective appeal is hopeless (see *Aberdeen Asset Management Asia Ltd v Fraser & Neave Ltd* [2001] 3 SLR(R) 355 at [43]). The applicant had not provided anything on the merits of her intended appeal. The onus was on her to demonstrate that the prospective appeal was not hopeless. She had failed to do so.

22 As for the last factor on prejudice to the respondent, there appeared to be no undue prejudice to the respondent, especially since the judgment debt payable by her remained due and outstanding at that time. The only prejudice asserted by the respondent appeared to be the fact that the award of damages in the applicant's favour may be increased, but that was inherent in the nature of any appeal.

23 At the end of the day, the court must, after weighing all the factors and circumstances, come to the conclusion that the application deserves sympathy if an extension of time is to be allowed (see *Newspaper Seng Logistics Pte Ltd v Chiap Seng Productions Pte Ltd* [2023] SGHC(A) 5 at [26]). Having considered all relevant circumstances including the factors set out above, we

declined to grant the extension of time sought in OA 32, given especially the applicant's failure to satisfactorily explain the inordinate delay and failure to show that the intended appeal is not hopeless.

Applicant's request to present further arguments

24 After we had issued our decision dismissing the application in OA 32, the applicant filed a request to present further arguments through her own law practice on 27 October 2025. The request was refiled by her current counsel the next day on 28 October 2025.

25 In the request to make further arguments, the applicant states that the dismissal of OA 32 was due to the applicant's failure to disclose the merits of her intended appeal, which is explained to be the result of a "procedural misstep" as the applicant mistakenly believed that the focus of OA 32 was on the delay and that the merits of her appeal would be canvassed after the extension of time was granted. She further submits the following:

> (a) The applicant's intended appeal has merits because, among other things, (i) the Judge had placed undue emphasis on special damages; and (ii) the Judge had placed undue emphasis on comparing the applicant's damages with those awarded to well-known individuals, and instead should have drawn comparisons from cases involving defamed professionals and businessmen.
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> (b) The applicant's delay in filing her Notice of Appeal was in part a result of the Judge having issued his decision for damages, costs and disbursements over three different dates, which "severely disadvantaged" her. The amount of time which the Judge took in delivering his decision on each part resulted in an "excessive and

unwarranted delay" and would not be justified given his own view that S 510 was not complex or novel.

(c) It was in the interests of justice for the applicant to be granted an extension of time to appeal.

26 The respondent challenges the request and resists what she characterises as the applicant's attempt to effectively have a second bite at the cherry. In brief, she (a) disagrees with the applicant's arguments on the merits; (b) contends that any delay on the part of the Judge in finalising his orders on costs and disbursements is actually attributable to the applicant herself; and (c) rebuffs any claim of the applicant's misinterpretation of the relevant procedural rules to be complied with.

Our Decision

27 As a preliminary issue, we consider whether a request to present further arguments can be made to this court in the first place. Within the ROC 2021, several provisions expressly regulate a party's right to make further arguments after the court has heard the matter or rendered its decision. Two such provisions are O 18 r 38 and O 19 r 34 of the ROC 2021, which provide that *unless the appellate court otherwise directs*, there are to be *no* further arguments from the parties after the appellate court has heard the *appeal* and reserved its decision or after the appellate court has given its decision in the *appeal*. Those provisions are, however, not specifically applicable in the present context where the matter before this court is not an appeal but an *application* for an extension of time to file a notice of appeal. In this regard, there appears to be no specific provision in the ROC 2021 that addresses a party's right to request to present further arguments in the context of an *application* to the appellate court.

28 In our view, notwithstanding the lack of an express provision similar to O 18 r 38 and O 19 r 34 of the ROC 2021, the appellate court is not precluded from considering requests to present further arguments after it has heard an application and reserved its decision or after it has given its decision in the application. Order 3 r 2(2) of the ROC 2021 empowers the court to do what is necessary on the facts of the case before it to ensure that justice is done or to prevent an abuse of the process of the court, so long as it is not prohibited by law and is consistent with the Ideals in the ROC 2021. In the appropriate circumstances, a request to make further arguments could promote fair access to justice.

29 We note that the court is not always immediately *functus officio* after it has given its judgment; there are a few circumstances where a court may either revisit its prior decision or clarify it (see *Muhammad bin Kadar v Public Prosecutor* [2011] 4 SLR 791 at [5]; *Godfrey Gerald QC v UBS AG* [2004] 4 SLR(R) 411 at [18]–[19]; *Yong Vui Kong v Public Prosecutor* [2010] 2 SLR 192 at [15]–[16]).

30 However, while this court may consider the applicant's request to make further arguments, it must also determine whether it should allow the request, having already rendered the decision in OA 32 with brief grounds. In this regard, we think that it is helpful to refer to the approach provided in O 18 r 38 and O 19 r 34 of the ROC 2021. In our view, even though those provisions apply in the context of appeals, the same broad principles – the finality of the court process and the interests of justice – are at play in the present context (see [34]–[36] below).

31 Order 18 r 38 and O 19 r 34 of the ROC 2021 are identical in effect to para 92(2) of the Supreme Court Practice Directions 2013 ("SCPD 2013"),

which prescribes that as a general rule, unless directed by the Court of Appeal or the Appellate Division, the Court of Appeal and the Appellate Division would not receive further arguments after the conclusion of the hearing of the appeal (see *Singapore Rules of Court: A Practice Guide* (Chua Lee Ming editor-in-chief; Paul Quan gen ed) (Academy Publishing, 2023) at paras 18.120–18.121 and 19.105–19.106). Pursuant to para 92(3) of the SCPD 2013, this general rule would only be relaxed in "very exceptional circumstances", such as if an authority which was not available at the hearing would be decisive.

32 The high threshold to be met before a request to make further arguments is granted under the SCPD 2013 has been retained in the ROC 2021. In *British Steamship Protection and Indemnity Association Ltd v Thresh, Charles* [2024] 2 SLR 317 ("*British Steamship Protection*"), the Court of Appeal held that O 19 r 34 of the ROC 2021 does not permit requests for further arguments as of right, and instead, a direction from the court is required before the parties may provide further arguments. This was contingent on the requesting party "provid[ing] good reasons to justify deferring the finality of the appeal process" (at [85]). In that case, the further arguments concerned a matter which had already been raised by the court to the parties. The court thus found that the appellants had failed to show "good reasons" to defer the finality of the appellate process (at [85]). In any case, the court was satisfied that the further arguments had no impact on the outcome of the appeal as they did not go towards the determination of any issue in the appeal (at [86]).

33 We further note that, consistent with the tenor of the remarks in *British Steamship Protection*, the introduction of these new provisions in the ROC 2021 has been described as intended to discourage parties from "attempting to have a second bite at the cherry if they felt that their submissions had not been well received at the hearing of the appeal, [thereby] facilitating the streamlining of

the litigation process and reducing excessive wastage of court time and resources" (see *Singapore Civil Procedure 2025* vol 1 (Cavinder Bull gen ed) (Sweet & Maxwell, 2024) at paras 19/21/2 and 19/34/1).

34 Drawing from *British Steamship Protection*, the principle of finality of the litigation process is a key principle to bear in mind when considering a request to present further arguments. It is apt to reiterate the remarks of the Court of Appeal in *Kho Jabing v Public Prosecutor* [2016] 3 SLR 135 at [1] and [47]:

> 1 In our recent decision in *The Royal Bank of Scotland NV v TT International Ltd* [2015] 5 SLR 1104 ("*TT International*") at [185] and [215], we explained that *the principle of finality is an integral part of justice. Judicial decisions, if they are to mean anything at all, must confer certainty and stability*. People must be able to order their affairs according to the settled conviction that the last word of the court *is* the last word, and that the last full stop in a written judgment is not liable to be turned into an open-ended and uncertain ellipsis…
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> …
>
> 47 … *Finality is also a function of justice*. It would be impossible to have a functioning legal system if all legal decisions were open to constant and unceasing challenge, like so many tentative commas appended to the end of an unending sentence.
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> [emphasis added]

35 The principle of finality has been described as an objective of civil procedure for at least 175 years (see *AIC Ltd v Federal Airports Authority of Nigeria* [2022] 4 All ER 777 ("*AIC*") at [31], referring to *Henderson v Henderson* (1843) 67 ER 313). We think it helpful to refer to the remarks of the UK Supreme Court in *AIC* (at [31]), a case which concerned a request for reconsideration similar to the present case:

> … *Litigation cannot be conducted at proportionate cost, with expedition, with an appropriate share of the court's resources and with due regard to the rules of procedure unless it is*

> *undertaken on the basis that a party brings his whole and best case to bear at the trial or other hearing when a matter in dispute is finally to be decided* (subject only to appeal). As Lewison LJ said in *FAGE UK Ltd v Chobani UK Ltd* [2014] EWCA Civ 5, [2014] FSR 29 (at para [114](ii)):
>
> > "The trial is not a dress rehearsal. It is the first and last night of the show."
>
> In that respect we are in full agreement with Coulson LJ, in the Court of Appeal at para [50], when he said:
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> > "The principle of finality is of fundamental public importance … The successful party should not have to worry that something will subsequently come along to deprive him or her of the fruits of victory. *The unsuccessful party cannot treat the judgment that has been handed down as some kind of rehearsal, and hurry away to come up with some new evidence or a better legal argument. …*
>
> [emphasis added]

36 The principle of finality is, however, not absolute (see *Ramalingam Ravinthran v Attorney-General* [2012] 2 SLR 49 at [11] where the Court of Appeal acknowledged that the principle is subject to narrow exceptions in the context of civil proceedings). Indeed, in *British Steamship Protection*, the Court of Appeal accepted that the finality of the litigation process could potentially be deferred if there were good reasons (at [85]). This is a recognition of the other fundamental principle undergirding the litigation process, which is that of ensuring there is no miscarriage of justice. The principles of finality and of ensuring justice is delivered must be properly balanced when considering a request to make further arguments.

37 A party requesting to present further arguments after the court has delivered its decision ought to demonstrate exceptional circumstances sufficient to displace the principle of finality in the process. What is sufficient or not depends on the facts and circumstances of the case. Advancing new or improved arguments in a veiled attempt to get a second bite of the cherry will not suffice.

Patching up the deficiencies in one's case after the court has identified them, without more, will also be insufficient; the court does not play the role of legal adviser to parties. Making further arguments in such contexts is, to use the words of Coulson LJ (see [35] above), akin to treating the court's earlier decision as "some kind of rehearsal" to allow the unsuccessful party to "hurry away to come up with some new evidence or a better legal argument". Such conduct does not promote the interests of justice and falls short of justifying why finality of the court proceedings should be deferred.

38 Turning to the present case, we are of the view that the applicant has not raised any exceptional circumstances that would displace the finality principle and warrant a reconsideration of this court's decision. The further arguments which the applicant seeks to make have already been canvassed in the applicant's earlier submissions and if they were not, they ought to have been raised then and not as new arguments now. The applicant is effectively seeking a second bite at the cherry by first identifying the court's holdings that were not in her favour and thereafter seeking to make further arguments to address the deficiencies in her earlier submissions. As we have explained above, this should not be permitted.

39 We note that a significant portion of the applicant's further arguments relate to the supposed merits of the intended appeal. The applicant explains that "[i]t was not a failure [of the applicant] to provide merits as such, but a procedural misstep" arising from "an error of judgment" (see [25] above). She contends that this defect can be cured by setting out the merits of her intended appeal and proceeds to do so. This approach however rests on a misperception that the applicant could and should be allowed to "cure defects" in her submissions by way of a request to make further arguments. We have explained

that this does not, without more, constitute exceptional circumstances or good reasons for the court to reconsider its decision.

40 In addition to the attempt to "cure the defects", the applicant also attempts to develop the argument on the prejudice suffered by the applicant as a result of the way Suit 510 was decided. To recapitulate, the Judge delivered his decision in respect of (a) the quantum of damages on 28 March 2025, (b) costs on 2 July 2025 and (c) disbursements on 12 August 2025. The applicant's earlier position as set out in her written submissions was that she should be allowed to wait for the court's decision on all matters before filing her notice of appeal in order to avoid "unnecessary and repetitive filing fees" amounting to "great costs", and that she should not be prejudiced if the court had determined the quantum of damages, costs and disbursements on separate occasions (see [11] above). The position now taken in her further arguments is somewhat different. She contends in her further submissions that the delay on the Judge's part in deciding the various matters, which she characterises as "excessive and unwarranted", had "played a substantial part" in her late filing of the notice of appeal. It is evident that the applicant is seeking to shore up her case by introducing new arguments which focus on how the Judge had delivered the decisions. For completeness, we reject any aspersions cast on the Judge and observe that it was the applicant's own indolence at various points in time, reflected by her disregard for the timelines imposed by the Judge, that contributed to the inexcusable delay.

Conclusion

41 We therefore refuse the applicant's request to present further arguments. The further arguments which the applicant seeks to make are unexceptional and do not constitute good reasons to defer the finality of these proceedings.

42 The respondent has sought costs on the basis that the request "is both frivolous and a waste of judicial resources". We find it appropriate to order costs against the applicant in this instance for the reasons we have set out above. Bearing in mind O 21 r 7 of the ROC 2021 which governs costs for a party who is not legally represented, we fix costs in the amount of $1,000 to be paid by the applicant to the respondent. This sum is to be set off against the sums ordered against the respondent below.

Debbie Ong Siew Ling
Judge of the Appellate Division

See Kee Oon
Judge of the Appellate Division

Hassan Esa Almenoar (R Ramason & Almenoar) for the applicant;
The respondent in person.