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

[2025] SGHC 124

Originating Claim No 592 of 2024

Between

Tao Yuegang

… *Claimant*

And

United Tec Construction Pte Ltd

… *Defendant*

JUDGMENT

[Tort — Negligence]

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Tao Yuegang
v
United Tec Construction Pte Ltd

[2025] SGHC 124

General Division of the High Court — Originating Claim No 592 of 2024
Mohamed Faizal JC
2–4, 9 April, 11 June 2025

2 July 2025 Judgment reserved.

Mohamed Faizal JC:

Introduction

1 HC/OC 592/2024 involves a claim in negligence by Mr Tao Yuegang (the "Claimant") against his former employer, United Tec Construction Pte Ltd. (the "Defendant"), a construction company. The Claimant contends that the Defendant's negligence had resulted in the occurrence of a workplace accident in the Defendant's premises on 24 April 2023 at or about 8.00pm. He consequentially seeks damages for injuries allegedly caused by such accident.[1]

2 Although there appears to have been some confusion in the Claimant's Closing Submissions in which it was suggested that the trial before me was "on the issue of responsibility finding only, which is bifurcated from the assessment

[1] Bundle of Pleadings filed 16 March 2025 ("BOP") at pp 5–9 (Statement of Claim dated 2 August 2024 ("SOC") at [3]–[10]).

of damages",[2] the trial, in fact, proceeded on an unbifurcated basis given the absence of any such application under O 9 r 25(2) of the Rules of Court 2021. Indeed, the contention in the Claimant's Closing Submissions is especially perplexing given that counsel for the Claimant had expressly confirmed that there was no reason to bifurcate the proceedings in an earlier Registrar's Case Conference.[3]

3 In any event, the key questions that lie at the heart of these proceedings are two-fold: namely whether the Claimant has proven his account of the alleged workplace accident on a balance of probabilities, and if so, whether the Defendant is liable for what happened on grounds of negligence.

4 The former question (of whether the *fact* of the accident has been proven) largely turns on an assessment of credibility, which is, of course, not an abstract exercise, but one that involves a comparative evaluation of competing narratives. Upon a thorough examination of the evidence, I find the Claimant's account to be marked by inconsistencies, improbabilities, illogicality, and lacking internal coherence. In contrast, the Defendant's account, that such an accident did not happen or at least, did not happen in the manner suggested by the Claimant, is broadly consistent with the documentary evidence. Accordingly, for the reasons set out in this judgment, I am not satisfied, on a balance of probabilities, that the accident occurred in the manner that has been pleaded by the Claimant.

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2 Claimant's Closing Submissions dated 21 May 2025 ("CCS") at [1].

3 23 October 2024 Minute Sheet.

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Background

5 The Claimant has numerous years of working experience as a construction worker. He worked in the construction industry in China since he was 17 years old.[4] In 2012, when the Claimant was 26 years old, he moved to Singapore to earn a living and began work as a construction worker that same year.[5] He has worked for a total of seven construction companies (including the Defendant) after coming to Singapore. He was employed by the Defendant from 29 July 2020 to 5 June 2023, which includes the date of the alleged workplace accident.[6]

6 Ever since the Claimant was employed by the Defendant, he was deployed to the construction site of what eventually became the "Kopar at Newton" condominium (the "Worksite"). The Defendant was the main contractor of the works at the Worksite.[7]

The Claimant's case

7 The claim surrounds events that purportedly happened on the evening of 24 April 2023. On that day, the Claimant was tasked by the site supervisor, Mr Meenakshisundaram Muthukrishnan ("Mr Muthu"), to clear construction debris at the Worksite together with a fellow construction worker, Mr Htat Than Thu ("Mr Htat"). The three employees had been working together as part of the

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4 2 April 2025 NEs at p 6 lines 16–27.

5 Claimant's Affidavit of Evidence-in-Chief dated 5 February 2025 ("Claimant's AEIC") at [5]; Defendant's Bundle of Documents dated 26 March 2025 ("DBOD") at p 32 (Employment History of Work Permit Holder dated 27 May 2024).

6 DBOD at p 32 (Employment History of Work Permit Holder dated 27 May 2024).

7 BOP at p 19 (Defence dated 27 August 2024 ("Defence") at D(4)-(5)(e)–D(4)-(5)(f)); Claimant's AEIC at [6].

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same team, an arrangement that had been in place prior to 24 April 2023.[8] According to the Claimant, there had been some rain earlier that evening, and at or about 8.00pm, the rain had just passed and the environment around the Worksite was dimly lit.[9] Mr Muthu had, at that time, "instructed [the Claimant] to ascend a ladder onto an elevated platform/pavilion where he was standing" so as to brief him on work arrangements for the next day.[10] On the Claimant's own case, Mr Htat was not involved in such a briefing and remained on the ground floor, approximately 30m away from the base of such "ladder".[11]

8 After Mr Muthu completed the briefing, the Claimant proceeded to descend from the elevated platform using the "ladder". Whilst descending from the "ladder", he slipped and fell from a height of approximately 3m onto the ground. The Claimant alleges that as he was falling, his shoulder hit a metal pipe, and he landed on his back and buttocks. He then felt considerable pain in his shoulder as well as a numbness in his right leg. He proceeded to shout for help in the direction of Mr Muthu.[12] Although he had "shouted loudly and numerous times" amidst a "fairly quiet" worksite such that Mr Muthu "could and would have heard [him]" (from the top of the elevated platform/pavilion), Mr Muthu did not assist him in any way.[13] Apart from Mr Muthu, "[t]here was … no one else" who could have assisted the Claimant as it was already late in the evening and everyone had already left the Worksite.[14]

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8 2 April 2025 NEs at p 18 lines 17–30.

9 Claimant's AEIC at [7].

10 Claimant's AEIC at [7]; See also BOP at p 5 (SOC at [3]).

11 2 April 2025 NEs at p 51 lines 17–28, p 53 lines 1–10.

12 Claimant's AEIC at [9].

13 Claimant's AEIC at [10].

14 Claimant's AEIC at [9].

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9 The Claimant stayed at the bottom of the "ladder" for a few minutes to compose himself. Thereafter, as no one came to his assistance, at or about 8.30pm, he hobbled out of the Worksite through the nearest side gate on his own, where there was neither security nor any personnel stationed.[15] He then proceeded to flag a taxi from the side of the road to return to his dormitory.[16]

10 That night, after returning to his dormitory, the Claimant testified that he had informed his roommate, one Mr Lao Shi ("Mr Shi"), about the accident. He testified further that he had not informed any of his superiors of the same that night.[17]

11 When he woke up the next morning (*ie*, 25 April 2023), the Claimant felt "excruciating" pain in his "shoulder, hips, lower back and lower limbs". The Claimant took a taxi to the Worksite to look for Mr Muthu and informed him of the accident that happened on the night before. The Claimant was issued a letter and asked to head to a general practitioner clinic, *ie*, Lavender Medical Clinic & Surgery Pte Ltd ("Lavender Clinic").[18] At Lavender Clinic, he was attended to by the clinic's medical practitioner, one Dr Michael Yong ("Dr Yong"). The Claimant avers that he had informed Dr Yong that he sustained the injuries "as a result of an [i]ndustrial [a]ccident" that took place the day prior. Following this, Dr Yong made a phone call to a third party, who the Claimant believes to be "a servant and/or agent of the Defendan[t]". He was then administered an

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15 2 April 2025 NEs at p 77 line 25–p 78 line 5, p 81 lines 10–15; Claimant's AEIC at [10]

16 Claimant's AEIC at [10].

17 2 April 2025 NEs at p 86 line 29–p 87 line 7.

18 Claimant's AEIC at [11].

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injection, prescribed some medication, and given a medical certificate for one day of medical leave along with a referral letter for his ailments.[19]

12 Just after the appointment at Lavender Clinic, the Claimant complained that his "right leg felt numb and swollen" and he had to use an umbrella to support himself as he hobbled to the roadside to take a taxi to return to the dormitory. Upon his return to the dormitory, he informed Mr Muthu that he was still in pain, and a site administrator, one Mr Vellingiri Sivakumar ("Mr Siva") made the necessary arrangements for him to be attended to at Tan Tock Seng Hospital ("TTSH") the next day.[20]

13 On the subsequent day (*ie*, 26 April 2023), the Claimant went to TTSH for a medical consultation. He claims to have "unequivocally informed [his] treating doctor and/or the other hospital staff present at that time" that the injuries were the "result of an [i]ndustrial [a]ccident that took place" on 24 April 2023. In any event, he was apparently informed that he had suffered "serious nerve damage" and "would require at least 3 to 4 weeks to feel better". He was warded that same day and discharged on 6 May 2023.[21] During the period of hospitalisation, the Claimant recalls that his superiors had visited him in the ward at least two to three times.[22]

14 Upon being discharged from TTSH, the Claimant was given hospitalisation leave and was declared unfit for duty for 28 days and being fit to perform only light duties for 45 days after.[23] The Claimant intended to stay in

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19 Claimant's AEIC at [12].

20 Claimant's AEIC at [13].

21 Claimant's AEIC at [15].

22 Claimant's AEIC at [16].

23 Claimant's AEIC at [15].

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Singapore to recuperate but was purportedly told by the Defendant to return home to China to rest and recuperate for 45 days. He was assured he would be able to come back to work after this period. As a result of such instructions, the Claimant booked a flight back to China and left Singapore on 10 May 2023.[24] Before he left, the Claimant was told to sign a form in order for his passport to be released to him, but claims he did not know what, in fact, he was signing.[25]

15 Subsequently, in June 2023, the Claimant claims to have communicated via WeChat with someone going by the name of "Alice" purportedly under the employment of the Defendant. On the stand, the Claimant confirmed that "Alice" refers to one Ms Alice Choo ("Ms Choo"),[26] who is the Defendant's senior human resources manager.[27] Ms Choo allegedly informed him (a) not to purchase a ticket back to Singapore; and (b) that his work permit would be temporarily cut off until he recovered and was able to return to Singapore. He protested against these arrangements but to little avail. He then subsequently found out that his work permit was cancelled on 5 June 2023.[28] These correspondences were not produced as he had lost his phone in the interim.[29]

16 From end-August 2023 to December 2024, the Claimant sought out various medical and traditional Chinese treatments as he was "still in great pain" while in China.[30] To date, he has incurred RMB70,029.65 (approximately

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24 Claimant's AEIC at [17].

25 Claimant's AEIC at [18].

26 3 April 2025 NEs at p 19 lines 11–14; Claimant's AEIC at [19].

27 9 April 2025 NEs at p 28 lines 8–9; DBOD at p 3 S/N 29.

28 Claimant's AEIC at [19].

29 Claimant's AEIC at [44].

30 Claimant's AEIC at [20]–[33].

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S$14,005.93) on such treatments and medication,[31] to little avail. To date, the Claimant has not been able to work and has no source of income.[32]

17 Consequently, the Claimant decided to file suit alleging that based on the facts as stated above, the Defendant and/or its servants and/or agents had breached both their statutory duties under the Workplace Safety and Health Act 2006 (2020 Rev Ed) (the "WSHA") and various subsidiary regulations under the WSHA, as well as their common law duty of care. In gist:[33]

(a) As a matter of statutory law, it was alleged that there was a breach of the appropriate standards of care required under the WSHA and various regulations enacted under the WSHA, such as the Workplace Safety and Health (General Provisions) Regulations (2007 Rev Ed) ("General Provisions Regulations"), the Workplace Safety and Health (Construction) Regulations 2007 ("Construction Regulations"), the Workplace Safety and Health (Work at Heights) Regulations 2013 ("Work at Height Regulations"), the Workplace Safety and Health (Risk Management) Regulations (2007 Rev Ed) ("Risk Management Regulations"), and/or their relevant Codes of Practice.[34]

(b) Under common law, it was alleged that the Defendant breached its duty of care towards the Claimant by:[35]

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31 Claimant's AEIC at [41(g)].

32 Claimant's AEIC at [38].

33 BOP at pp 5–8 (SOC at [5]–[7]).

34 BOP at pp 7–8 (SOC at [7]).

35 BOP pp 5–6 (SOC at [5]); Claimant's AEIC at [42].

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(i) failing to provide and maintain a safe work environment "given that the Worksite was poorly lit in the given circumstances";

(ii) failing to take the necessary measures for a safe work environment, including ensuring competent, adequate and/or proper supervision and ensuring the "ladder" was dry before permitting usage of it;

(iii) failing to ensure that a buddy system (*ie*, where one worker would hold the ladder as the other uses it[36]) was implemented;

(iv) failing to provide a safe system of work, including informing the Claimant of worksite hazards, ensuring that the Worksite has proper safety measures, and providing sufficient instructions for work to be carried out safely;

(v) failing to take any or adequate preventative steps to ensure that the Claimant was not exposed to any danger or hazard while carrying out the assigned tasks; and

(vi) Mr Muthu feigning ignorance to the Claimant's yells and shouts for help given that the Claimant's calls for help would have clearly been audible to him.

18 The Claimant seeks damages for pain and suffering (to three key areas, namely the Claimant's shoulder, lumbar spine, and right lower limb[37]), the existing and prospective costs of medical treatments, the pre-trial and

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36 BOP at p 19 (Defence at [D(4)-(5)(m)]).

37 Claimant's AEIC at [41(a)].

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prospective loss of income, the loss of future earnings, and the loss of earning capacity – all of which, he contends, arise from these debilitating injuries.[38]

The Defendant's case

19 The Defendant disputes that the accident on 24 April 2023 even took place.[39] On the Defendant's case, the Claimant had been working in a team of three on the day of the alleged accident which included himself, Mr Htat, and Mr Muthu as the foreman-in-charge.[40] That day, the team was tasked to carry out finishing works at the fire engine access area and swimming pool area on the ground level of the Worksite.[41] None of the assigned works involved the use of "ladders or elevated platforms".[42] In fact, the Defendant claims that it did not allow the use of A-frame ladders in the Worksite and instead, only platform ladders were used.[43] The Defendant's in-house rules reaffirm this, setting out that workers are not to "use 'A' frame ladder onsite".[44] For context, an A-frame ladder, commonly known as a step-ladder or a fireman ladder, features a foldable design that forms an "A" shape when opened, with steps and a small top cap that is typically not meant for standing. It typically is known to be used for quick general-purpose tasks due to its portability and ease of use. In contrast,

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38 BOP at p 9 (SOC at [10]); Claimant's AEIC at [41].

39 BOP at p 18 (Defence at D(4)-(5)).

40 BOP at p 20 (Defence at D(4)-(5)(o)); Mr Muthu's Affidavit of Evidence-in-Chief dated 8 January 2025 ("Mr Muthu's AEIC") at [11]; Mr Htat's Affidavit of Evidence-in-Chief dated 8 January 2025 ("Mr Htat's AEIC") at [11].

41 BOP at p 20 (Defence at D(4)-(5)(o), D(4)-(5)(r)); Mr Muthu's AEIC at [11], [15]; Mr Htat's AEIC at [11], [15].

42 BOP at p 20 (Defence at D(4)-(5)(t)); Mr Muthu's AEIC at [16]–[17]; Mr Htat's AEIC at [15], [17].

43 Mr Raja's Affidavit of Evidence-in-Chief dated 8 January 2025 ("Mr Raja's AEIC") at [12] –[13]; Mr Muthu's AEIC at [8]–[9].

44 Mr Raja's AEIC at [12], p 58 (Claimant's first day safety induction & PPE record dated 19 January 2021).

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a platform ladder has a similar structure (in the form of an "A" shape when opened) but also includes a wide, flat standing surface near the top. The latter type of ladder is generally perceived to be more secure and stable. The Defendant further highlights that it has no ladder in the Worksite that would be 3m high (thereby rendering it impossible for the Defendant to have fallen from that height), as the platform ladders only range from 1.1m to a maximum of 2.5m in height.[45] A scaffold access would be used for works at a height of 3m or higher.[46]

20 The Defendant further contends that the team, including the Claimant, completed all their works for that day by around 6.45pm. No briefing was conducted for the Claimant at 8.00pm, which would have been after the Claimant had already ended his works for the day.[47]

21 At or around 6.45pm, the team parted ways. The Claimant left the Worksite on his own to take public transport after he ended work. Mr Muthu and Mr Htat, on the other hand, waited at the Worksite for the company transport back to the dormitory, which was to arrive between 8.00pm to 8.30pm.[48]

22 The day after the alleged accident (*ie*, 25 April 2023), the Claimant informed Mr Muthu and Mr Siva he was feeling unwell,[49] and the latter directed him to Lavender Clinic.[50] The Claimant proceeded to Lavender Clinic on his

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45 Mr Raja's AEIC at [12].

46 Mr Raja's AEIC at [12]; Mr Muthu's AEIC at [8].

47 BOP at p 20 (Defence at D(4)-(5)(t)); Mr Muthu's AEIC at [17]–[18]; Mr Htat's AEIC at [17].

48 Mr Muthu's AEIC at [18].

49 BOP at p 20 (Defence at D(4)-(5)(v)); Mr Muthu's AEIC at [20]; Mr Siva's Affidavit of Evidence-in-Chief dated 8 January 2025 ("Mr Siva's AEIC") at [11].

50 Mr Muthu's AEIC at [20]; Mr Siva's AEIC at [12].

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own.[51] At Lavender Clinic, the Claimant only told Dr Yong that he "slipped and fell the day prior" and had "right shoulder pain".[52] He made no mention of "anything about a fall from height" and Dr Yong also "did not note any external injuries which would be consistent with a fall from a 3-metre height" during his examination of the Claimant.[53] To relieve the Claimant's pain, Dr Yong administered an injection in the Claimant's shoulder. However, following the injection, the Claimant complained of right foot paraesthesia (or more colloquially, numbness), which led Dr Yong to refer him to TTSH for further evaluation.[54] Dr Yong informed the Defendant (through its workplace safety and health manager, one Mr Seenuvasan Raja ("Mr Raja")) on the same day that the Claimant needed to be sent to a hospital as a result of his complaints of "right foot numbness after injection".[55] The Claimant also informed the Defendant of his visit to Lavender Clinic (through Mr Muthu) by sending a photograph of his referral letter and medical certificate through WhatsApp the next morning *(ie*, on 26 April 2023).[56] Mr Siva was updated by both Mr Raja and Mr Muthu and he made arrangements for the Claimant to be sent to TTSH on 26 April 2023.[57]

23 On 27 April 2023 and 1 May 2023, Mr Siva and one Mr Jekatheesan s/o K K Maniam ("Mr Jeka"), the Defendant's dormitory manager, visited the Claimant at TTSH. During these visits, the Claimant only mentioned feeling

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51 Mr Siva's AEIC at [13].

52 Dr Yong's Affidavit of Evidence-in-Chief dated 27 December 2024 ("Dr Yong's AEIC") at [3], [5].

53 Dr Yong's AEIC at [3], [7].

54 Dr Yong's AEIC at [5].

55 Mr Raja's AEIC at [20], p 68 (WhatsApp messages between Dr Yong and Mr Raja dated 25 April 2023).

56 Mr Muthu's AEIC at [22].

57 Mr Siva's AEIC at [15]–[16].

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unwell and that he was suffering from a numb foot.[58] The nurses at TTSH whom Mr Siva spoke to made "no mention of any accident".[59]

24 On the Defendant's case, at no time throughout the course of these numerous interactions did the Claimant tell any of the Defendant's employees that he had an accident at the Worksite.[60]

25 Even if the court were to find that the accident did occur, the Defendant contends that the claim of negligence would nonetheless not be made out as a matter of law. While the Defendant accepts that, under *common law*, it owes the Claimant a duty of care to provide a safe system of work, competent staff, and adequate materials,[61] it submits that there was simply no breach of such a duty.[62] The Defendant points to how it "had in place a safe and reasonable system of work, provided proper equipment, training, and supervision, and ensured that its safety protocols were both communicated and followed" to support its contention that there was no breach.[63] In the alternative, if the court were to find the Defendant liable in negligence, the Defendant further contends that (a) the Claimant would be "contributorily negligent in failing to take obvious and reasonable precautions for his own safety" such as maintaining three-point contact when descending the platform ladder and promptly reporting any such

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58 Mr Siva's AEIC at [19], [21]; Mr Jeka's Affidavit of Evidence-in-Chief dated 8 January 2025 ("Mr Jeka's AEIC") at [6], [8].

59 Mr Siva's AEIC at [20]–[21].

60 Mr Muthu's AEIC at [19], [23]; Mr Htat's AEIC at [19]; Mr Raja's AEIC at [21]–[26]; Mr Siva's AEIC at [33]; Mr Jeka's AEIC at [11].

61 Defendant's Opening Statement dated 26 March 2025 ("DOS") at [15]; Defendant's Closing Submissions dated 21 May 2025 ("DCS") at [66].

62 DOS at [18]; DCS at [80]–[81].

63 DCS at [81].

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workplace accident;[64] and (b) the Defendant could rely on the doctrine of *volenti non fit injuria* as the Claimant had "voluntarily assumed the risks involved in his action" as, on the Claimant's own case, he had knowingly descended the wet platform ladder in the dark without using the available support.[65]

26 As for statutory duties, the Defendant contends as follows:[66]

(a) the Claimant has failed to identify any specific statutory regulation breached by the Defendant beyond general references to the WSHA or to provide evidence of any such breach;[67]

(b) the Defendant has not breached any of the statutory duties that were cursorily pleaded by the Claimant as it had taken all reasonably practicable steps to ensure the safety of its workers at the Worksite;[68] and

(c) even if the court were to find that the Defendant had breached a statutory duty, such breach would not give rise to a private right of action in tort.

27 As for damages, the Defendant contends that the quantum sought for "pain and suffering" is too high, noting that the guidance from cases involving similar injuries demonstrates that the damages awarded ought to be of a much lower sum.[69] The Defendant rejects all other heads of damages, largely on the

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64 DCS at [82], [89]–[94].

65 DCS at [82], [95].

66 DCS at [84]–[86].

67 DCS at [87].

68 DCS at [83].

69 DCS at [132]–[134], [140]–[142].

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basis that the Claimant has failed to put forth the relevant admissible evidence proving the quantum incurred for each head of damage and/or the link between the alleged accident and the expense incurred.[70]

My findings

The Claimant has not proven his version of events on a balance of probabilities

28 Having set out the dichotomous narratives that have been advanced by both parties, I now turn to the primary question upon which all other matters necessarily flow – *ie*, whether the accident in fact took place on 24 April 2023 as alleged by the Claimant. If I accept the Claimant's version of events, questions of liability and (if liability is established) quantum of damages would possess salience; if I prefer the Defendant's version of events, the claim must, almost by definition, be dismissed *in limine*.

29 In this case, the assessment of the Claimant's credibility is especially critical as he represents the singular factual witness for his version of events while the Defendant has called a variety of witness in support of the narrative it advances. To be clear, the mere fact that one side is able to provide multiple witnesses while the other is able to put forth just one is far from determinative. This is because the strength of evidence lies not in numbers but in the quality, consistency, and credibility of the witness(es). A single witness, if reliable, consistent, and credible may be viewed by the court as having far greater probative value than a chorus of voices that are speculative, contradictory or otherwise tainted by bias or self-interest. The law does not weigh evidence by

[70] DCS at [110]–[128], [143]–[170].

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volume or numbers but through the lenses of veracity; what matters is not how many speak, but the consistency and credibility of the story that is being told.

30 Having said that, on the present facts, the testimonies of the Defendant's factual witnesses clearly ought to be preferred over that of the Claimant's. There were clear deficiencies underlying the Claimant's account, such that I am unable to place much weight on it. I have categorised these deficiencies into four categories that I will address in turn. These are deficiencies surrounding (a) the purported accident; (b) events following the purported accident; (c) the injuries suffered by the Claimant; and (d) the timesheet.

The purported accident

31 I am unable to accept the Claimant's account of the accident and how it transpired on 24 April 2023. I highlight four key aspects of the Claimant's account which suggest that he was not being truthful as to what transpired, including instances of internal inconsistencies, improbability, and illogicality.

32 First, the circumstances of the purported briefing by Mr Muthu that evening are, at the very least, improbable. These improbable circumstances relate in particular to the content, timing, and location of the purported briefing.

(a) It appears unusual for Mr Muthu to conduct a briefing regarding the team's responsibilities for the next day on the evening prior, as opposed to at the start of the workday during the toolbox meeting (which, based on the evidence led before me, seems to have been the conventional practice). Although the Claimant claims that toolbox meetings were "sometimes [held] in the evening",[71] the other employees

[71] 2 April 2025 NEs at p 31 lines 22–24.

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made no mention of such toolbox meetings being held in the evenings and,[72] in any case, there is no record of a toolbox meeting having been held on the evening of 24 April 2023.[73]

(b) I agree with the Defendant that it seems unlikely that Mr Muthu would brief the Claimant and Mr Htat *separately* regarding the work assignments for the next day.[74] The Claimant himself accepts that work assignments were typically relayed simultaneously to both him and Mr Htat at the daily toolbox meetings.[75] Such an arrangement makes sense given that they were part of the same team and would have similar work assignments. It thus seems unusual that Mr Muthu would have elected to brief the Claimant individually that evening despite how, even on his case, Mr Htat would have been working right beside the Claimant below the pavilion and would have been able to attend the same briefing.[76] I should add that no explanation has been posited by the Claimant as to *why* he needed to be briefed separately on that day.

(c) Furthermore, there was little reason for Mr Muthu to have been on the pavilion at any time, much less to deliver a briefing, since the pavilion was an area involving work for sub-contractors, rather than for employees of the Defendant.[77] This was confirmed by Mr Raja on the stand. Mr Muthu similarly confirmed as such when he testified that "there was no need for any usage of any platform access or ladders" by

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72 4 April 2025 NEs at p 18 lines 5–9, 23–27.

73 DBOD at p 16 (Daily toolbox meeting record dated 24 April 2023 at 7.30am).

74 DCS at [19].

75 2 April 2025 NEs p 31 lines 15–21.

76 2 April 2025 NEs p 35 lines 2–6, p 51 lines 20–28.

77 9 April 2025 NEs at p 81 lines 3–7, p 94 lines 3–15, p 95 lines 3–15.

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the Defendant and that these platform ladders were "for other sub-contractors to use".[78] On this point, I am unable to accept the reasons raised by the Claimant for why little weight should be placed on Mr Raja's testimony that the pavilion works had been sub-contracted out. The Claimant first contends that if Mr Raja's testimony were true, Mr Muthu would have "pointed out such a fundamental and important point to refute the Claimant" but he had not done so in his affidavit or while on the stand.[79] However, on the Defendant's case, it is possible that Mr Muthu (who was the foreman of the Claimant's team) had no knowledge of the working arrangements for the pavilion, which is precisely what he confirms in response to questions regarding the pavilion during cross-examination.[80] This is in contrast to Mr Raja's position *qua* workplace safety and health manager in which capacity he would have oversight over the entire Worksite. Next, the Claimant contends that Mr Raja's testimony should be disregarded as he made no mention of this in his affidavit.[81] However, since the pavilion does not feature in the Defendant's version of events, one can see why Mr Raja may not have given evidence about it, in that there was simply nothing to rebut at the time. The Claimant also points to how the Defendant has not produced any evidence to support this point, such as the subcontracted agreement between the Defendant and the alleged subcontracted company.[82] With respect, the burden ultimately lies on the Claimant to prove his case, which includes the location of Mr Muthu's

78 4 April 2025 NEs at p 24 lines 20–24.

79 CCS at [30].

80 4 April 2025 NEs at p 16 lines 24–26.

81 CCS at [37], [59].

82 CCS at [37].

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purported briefing. In my mind, the Claimant has failed to explain why Mr Muthu would have been on the pavilion. If there was no reason for Mr Muthu to have been on the pavilion, I do not see why he would have gone up the platform ladder to endanger both himself and the Claimant.

33 Second, I find the circumstances surrounding the purported accident to be similarly inherently unlikely as they do not sit easily with the objective facts. In particular, the version the Claimant advances cannot cohere with the whereabouts and alleged lack of assistance from Mr Muthu and Mr Htat.

(a) I find it hard to accept either of the two reasons put forth for why Mr Muthu had not assisted the Claimant – namely, that Mr Muthu had not heard the Claimant's shouts for help; or, in the alternative, that Mr Muthu had heard his shouts but had intentionally refused to assist the Claimant. Starting with the first reason which, in any event, appears to be squarely contradicted by the Claimant's own contentions on affidavit,[83] the parties' dispute over the distance between the bottom of the ladder and the pavilion where Mr Muthu would have allegedly been standing,[84] as well as whether the Worksite was quiet at the material time is tangential.[85] Regardless of these disputed facts, if the Claimant was able to hear Mr Muthu's initial shouts for him, it stands to obvious reason that Mr Muthu would have been able to hear his subsequent shouts for help from a similar distance. As for the possibility that Mr Muthu intentionally elected not to assist, this sounds even more absurd and far-fetched. Why would Mr Muthu refuse to assist him, at the risk

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83 Claimant's AEIC at [10].

84 3 April 2025 NEs at p 65 lines 2–3; 9 April 2025 NEs at p 84 lines 1–6.

85 Claimant's Affidavit at [10]; 2 April 2025 NEs at p 67 lines 20–21; 9 April 2025 NEs at p 84 lines 15–19.

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of the Claimant lodging a complaint against him with the Defendant for such callous and reckless behaviour? I am unable to fathom any logical reason why Mr Muthu would do that and it is impossible not to conclude that such an unbelievable account is anything but contrived. Since the Claimant has not put forth any evidence supporting such a distorted representation of Mr Muthu (for example, any personal animus), I need elaborate no further on my reasons for dismissing this reason.

(b) In my mind, a further key gap in the Claimant's version of events lies in Mr Htat's whereabouts after the Claimant's accident and why he had not come to the assistance of the Claimant. The Claimant does not contend that Mr Htat had left the pavilion site over the five-minute period that Mr Muthu had been briefing him. Instead, the Claimant suggests that he had not shouted for Mr Htat as he was "further away from" Mr Muthu and himself.[86] I am unable to accept this suggestion as, even on the Claimant's own account, Mr Htat was not significantly further away from where Mr Muthu was.[87] Why would he not come over to assist when it would have been obvious to him that the Claimant tripped and fell since he was in relatively close proximity? In any event, it appears somewhat odd to me that in a time of great distress, the Claimant would actively elect which individuals he would call out to for help.

34 Third, I find the circumstances surrounding the photograph showing (what the Claimant alleges to be) the ladder from which he had fallen from improbable for three reasons which I elaborate on below. To provide some

86 2 April 2025 NEs at p 67 lines 1–7.

87 2 April 2025 NEs at p 53 lines 1–7; 3 April 2025 NEs at p 64 lines 23–25.

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context, the Claimant testified in court that the photograph was taken by Mr Shi.[88] He claims to have sought Mr Shi's help to take a photograph of the site of the accident in end-April while he was hospitalised in TTSH,[89] following ostensible questions from a doctor during his hospitalisation about where he had fallen from.[90]

(a) The Claimant had not stated any of these circumstances on affidavit, instead only stating on affidavit that the photograph was "[a] picture of *such* a ladder" [emphasis added].[91] Indeed, the clear inference to be drawn from what was stated on affidavit is that this was not even the ladder he had fallen from but was instead a *similar* ladder. I further note that, conspicuously, there was nary a mention of Mr Shi in the Claimant's affidavit, despite Mr Shi having allegedly been the first person to have been informed of the accident, on the Claimant's case.[92]

(b) After obtaining the photograph, the Claimant had not showed it to the doctor from TTSH or anyone from the Defendant.[93] This then begs the obvious question of the provenance of the photograph and the motivations underlying the taking of such a photograph.

(c) If Mr Shi were indeed the first person to have been informed of the Claimant's accident and the person who had taken the photograph, I do not understand why the Claimant would not have called such an

88 2 April 2025 NEs at p 64 lines 15–19.

89 2 April 2025 NEs at p 64 lines 15–31.

90 2 April 2025 NEs at p 73 lines 12–14.

91 Claimant's AEIC at [7].

92 See 2 April 2025 NEs at p 87 lines 1–3.

93 2 April 2025 NEs at p 73 lines 16, 29.

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> essential witness to the stand to corroborate his account. Further, I note that no questions were asked of any of the Defendant's witnesses about the existence of Mr Shi. In the circumstances, it was hard not to come to the conclusion that the entire account involving the role of Mr Shi was contrived for the present proceedings and engineered to fill an inexplicable gap in the Claimant's case.

For these reasons, I agree with the Defendant that the photograph is not corroborated and unreliable, and I thus place little weight on it.[94]

35 Fourth, I note that the account advanced by the Claimant in these proceedings appears to markedly differ in material respects from the account that had been advanced in the letter of demand (the "LOD") that was issued by his lawyers to the Defendant on 29 April 2024, before the commencement of these proceedings. The relevant parts of the LOD detailing what had purportedly transpired on 24 April 2023 read as follows:[95]

> At the material time, [the Claimant] was tasked … to clear up construction waste and debris from *demolition works* at the Worksite …
>
> [Mr] Muthu then instructed [the Claimant] to *ascend a ladder*. It had just rained at the material time and the Worksite was dimly lit. Whilst *ascending the ladder*, [the Claimant] slipped and fell from a height of approximately 3m high … [and] sustained serious injuries.
>
> [emphasis added]

36 Such an account differs from what was eventually advanced at trial on at least three discrete matters, namely (a) the type of works the Claimant had

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94 See DCS at [11].

95 DBOD at p 109 (Letter of demand from counsel for the Claimant to the Defendant titled "Industrial Accident Claim" dated 29 April 2024 at [2]–[3]).

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been tasked with on 24 April 2023, (b) whether he was ascending or descending the ladder when the accident allegedly occurred, and (c) the reason why the Claimant had ascended the ladder. I deal with each of these points in turn.

(a) It is clear that the reference to demolition works was highly improbable. Given that the "Kopar at Newton" development was scheduled to receive its temporary occupying permit ("TOP") in end-June 2023, just a few months after the alleged accident,[96] it would have been chronologically implausible for any demolition works to have been taking place at the Worksite during the time of the alleged accident. By such an advanced stage, any development project would presumably have transitioned to its final stages – effectively working on finishing touches, interior fittings, inspections and the like – with precious little room for the disruptive and foundational upheaval that demolition necessarily requires. This very notion contradicts the structured cadence of construction, where demolition typically features only at the initial or (at the very latest) intermediate stages of construction. Indeed, it would seem that the Claimant himself realises the untenability of such a narrative as had been set out in the LOD, which is why there has been a conspicuous pivot away from any allusion to demolition works in the eventual claim that was filed and in his court testimony.

(b) In the Claimant's account in the LOD, the accident happened because he slipped from the ladder as he was *ascending* the ladder. In the eventual claim, he slipped from the ladder as he was *descending* it. In this variant of the Claimant's narrative, there would have been no room for the suggestion that a briefing from Mr Muthu had taken place

[96] BOP at p 19 (Defence at D(4)-(5)(g)).

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at the pavilion (and even less reason for both Mr Muthu and Mr Htat not to have immediately rendered assistance).

(c) Furthermore, the LOD's chronological flow suggests that the climbing of the ladder had been pursuant to the work that the Claimant had been undertaking to clear up construction waste and debris. There was a conspicuous lack of reference to the fact that the Claimant's purpose for climbing the ladder was to be briefed about the tasks for the next day, which has since become the thrust of the Claimant's case. This again represents an apparent departure from the LOD. To be fair, I accept that on some level for this specific point, I am, in essence, filling in the gaps inherent in the LOD and that the LOD itself is potentially susceptible to multiple interpretations. For that reason, I place little weight on this specific apparent inconsistency.

37 I note that when confronted about these obvious inconsistencies with the LOD on the stand, the Claimant was unable to proffer any meaningful explanation, instead insisting only that the correct version is the one he advances in his present claim (*ie*, that he had fallen while descending, rather than while ascending).[97] What remains entirely unexplained and inexplicable is the vastly distinct particulars of how the purported accident unfolded in the LOD.

38 Finally, I explain why I ultimately decided to place *little weight* on the Defendant's contention that the Claimant was inconsistent in his account of what he had fallen from when descending the pavilion – whether it be a freestanding A-frame ladder or an affixed platform ladder. The Defendant alleges that the Claimant referred to the former in his pleadings, but "[f]or the

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97 2 April 2025 NEs at p 72 lines 4–16.

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first time under oath … [he] now claim[s] he had fallen not from a ladder, but down a scaffold staircase".[98] This narrative is in contrast to the Claimant's testimony on the stand that the "ladder" was in fact an *affixed* (albeit temporary) platform ladder.[99] To be clear, I had much sympathy for the Defendant's contention as I see some force in the argument that there is no room for misinterpretation of the Statement of Claim. The Statement of Claim speaks of a ladder "*left outside* in the rain" [emphasis added],[100] a narrative that only makes sense contextually if the ladder in question was freestanding and *non-affixed*. Precisely for that reason, much of the defence (on affidavit at least) was focused understandably on the fact that no such freestanding ladders would have been used by the Claimant at the worksite that day, only for the Claimant to then seemingly pivot, on the stand, to allege that he was, in fact, referring to an affixed platform ladder, and not a freestanding ladder.[101] Nonetheless, on balance, I am of the view that it would be appropriate to place only minimal weight on this apparent inconsistency as I cannot entirely dismiss the possibility that this divergence in stances on the Claimant's part is more illusory than real and arises from an extremely inelegant word choice in the cause papers of the Claimant. In this regard, the Claimant had clarified that the "ladder" in question was in fact a platform ladder through a photograph appended to his affidavit, though that clarification itself confuses more than it clarifies in so far as the fact that the photograph in question is described by him as "such a ladder" itself hints to the idea of the photograph being merely illustrative, and not in fact a picture of the actual ladder the Claimant had fallen from (see [34(a)] above).[102]

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98 DCS at [4].

99 2 April 2025 NEs at p 43 lines 6–8, 14.

100 BOP at p 5 (SOC at [3]); see also Claimant's AEIC at [7].

101 2 April 2025 NEs at p 42 line 30–p 43 line 16.

102 Claimant's AEIC at [7], p 28 (Photograph of ladder).

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Events following the purported accident

39 I am also unable to accept the Claimant's account of the events following the purported accident. I highlight three key aspects of the Claimant's account which suggest that the Claimant was not being completely truthful in relation to what happened. As can be seen below, the Claimant's account of what happened subsequent to the accident similarly includes instances of internal inconsistencies, improbability, and illogicality.

40 First, the Claimant's account of what he did immediately post-accident appears incredible. Even assuming Mr Muthu and Mr Htat truly had not come to his assistance at the scene of the accident, I find it unlikely that the Claimant would have decided against seeking immediate aid from his fellow workers nearby (at the centre exit of the Worksite waiting for the company transport, even on his own case[103]), instead deciding to flag a taxi to return to the dormitory unassisted and at his own expense. In my view, pain and distress do not typically lend themselves to such quiet retreat. Such conduct sits very uneasily with the natural response to genuine injury (if it had been sustained), which is to seek assistance from anyone available, thereby raising the question of whether the sequence of events he proffers in court was one that is dictated by design.

41 Second, although the Claimant alleges that he had informed several employees of the Defendant that he had been involved in the alleged accident, there is no contemporaneous evidence of this. Specifically, the Claimant alleges that he had told Mr Shi about the accident on the day itself and had informed Mr Muthu and Mr Htat about it the next day.[104] However, the Claimant has not adduced any evidence demonstrating this, which could, for instance, have been

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103 2 April 2025 NEs at p 78 lines 6–14.

104 2 April 2025 NEs at p 86 lines 4–14; 3 April 2025 NEs at p 9 lines 12–25; CCS at [11].

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in the form of messages between himself and Mr Shi, Mr Muthu, or Mr Htat mentioning the accident. As I explained earlier, the Claimant contends that he is unable to adduce such evidence as he had "lost [his] old phone and [was therefore] unable to reproduce any screenshots of these said correspondences".[105] I do not find this convenient assertion to be credible as (a) the Claimant was able to reproduce the photograph of the ladder from his WeChat conversation with Mr Shi by asking "[Mr Shi] to send [him] a copy".[106] This leaves questions about why, at the very least, the Claimant had not similarly sought Mr Shi's help to reproduce screenshots of conversations that was had between the two relating to the accident; and (b) the Claimant has not provided any specifics of these conversations,[107] and in my mind, that itself, raises questions about whether such conversations in fact took place, or at the very least, that it contained any assertions that corroborate the Claimant's account as to what in fact transpired on 24 April 2023. Even the messages eventually produced in evidence of exchanges between the Claimant and other employees of the Defendant (*ie*, Mr Siva, Ms Choo, and one Ms Korin Liew, "who was in charge of worker's affairs in the [Defendant]"[108]) from April 2023 to April 2024 did not provide any insight into whether or not the injuries that occurred were the result of a workplace accident on 24 April 2023 or otherwise.[109] As was pointed out by the Defendant, the Claimant's messages

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105 Claimant's Affidavit at [44].

106 3 April 2025 NEs at p 60 lines 25–30.

107 Claimant's Affidavit at [44]; 2 April 2025 NEs at p 65 lines 7–9.

108 Claimant's Affidavit at [44].

109 DBOD at pp 120–184 (WhatsApp messages between the Claimant and Mr Siva between 23 April 2023 and 13 June 2023; WeChat messages between the Claimant and Ms Choo between 13 September 2023 and 3 April 2024); Claimant's Affidavit at p 204 (WeChat messages between the Claimant and Ms Korin Liew dated 10 March 2024).

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only mentioned that he required "treatment",[110] and he referred to his own condition as a "neurological disease" (which to be fair, is not factually incorrect[111]) with no mention as to its cause.[112] It would thus be difficult to prove that the Defendant had knowledge of any such accident without the requisite documentary evidence showing that the Claimant had informed any of the Defendant's employees about the accident.

42 Third, the Claimant was unable to even keep a remotely consistent account of the events that occurred following the purported accident, raising significant doubt about its veracity. I would, by way of illustration, merely point out three such inconsistencies:

(a) The Claimant was inconsistent in his account of whether there were other workers at the Worksite at or around the time of the purported accident. In his affidavit, the Claimant alleges that there was "no one else around … to come to [his] assistance as it was late in the evening, and everyone would have already left the Worksite".[113] However, in cross-examination, he jettisoned this account altogether, instead testifying that around the time he left the Worksite (*ie*, at or about 8.30pm[114]), there were many workers waiting at the centre exit of the Worksite for the company transport, which generally arrived sometime between 9.00pm to 10.00pm;[115]

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110 See, for example, DBOD at pp 142, 151–153 (WhatsApp messages between the Claimant and Mr Siva dated 1, 5 May 2023).

111 3 April 2025 NEs at p 20 lines 3–6.

112 DBOD at p 184 (English translation of WhatsApp message between the Claimant and Ms Choo dated 22 September 2023 at 8.45am).

113 Claimant's AEIC at [9].

114 2 April 2025 NEs at p 77 line 29–p 78 line 5.

115 2 April 2025 NEs at p 75 lines 11–13, p 78 lines 6–14.

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(b) As I explained earlier, if there were in fact workers remaining at the Worksite at or around the time of the accident, there is a lack of coherence in the Claimant's account for why he had not sought assistance from these workers. During cross-examination, the Claimant stated that he elected not to go over to the workers waiting for the company transport as he "could not communicate with any of them" since "[t]he workers waiting for public transport … were all other foreigners not from China".[116] For that reason, he opted for the nearer but more secluded side exit.[117] It should be obvious that such an account is fanciful since it would not be all too difficult to express pain and injury to his fellow workers. However, even that account appears to be plainly false factually on the face of *on his own evidence*, as the Claimant accepted during cross-examination that his Chinese roommate, Mr Shi, worked at the same Worksite and had taken the company transportation home that day;[118] and

(c) I agree with the Defendant that the Claimant was inconsistent in his account regarding the mode in which he had first informed Mr Muthu about the alleged accident – whether it be over the phone or in-person at the Worksite.[119] On the first day of trial, the Claimant asserted that he had "telephoned [Mr Muthu] and informed [him about the accident]".[120] However, on the second day of trial, the Claimant instead claimed that he had "called [Mr] Muthu, but [Mr Muthu] did not pick up the call" and

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116 2 April 2025 NEs at p 78 lines 27–32.

117 2 April 2025 NEs at p 78 lines 22–26.

118 2 April 2025 NEs at p 85 lines 22–25, p 86 lines 15–16.

119 DCS at [33].

120 2 April 2025 NEs at p 70 lines 21–23.

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> as a result,[121] he had gone to the Worksite to find Mr Muthu to inform him about the accident in-person.[122]

Sadly, as can be seen from the preceding discussion, each of these inconsistencies is not an isolated aberration but symptomatic of a broader lack of credibility of the Claimant's account as a whole.

Injuries suffered by the Claimant

43 I am further unable to accept the Claimant's account regarding his injuries and the treatment of these injuries. I highlight five key aspects of the Claimant's account which suggest that the Claimant was not being candid as to what happened, which similarly include instances of internal inconsistencies, improbability, and illogicality.

44 First, I begin with the inconsistencies in the Claimant's account regarding his *shoulder* injuries. Initially, the matter was left vague in the Claimant's affidavit as just an allusion to his "shoulder" bearing the primary brunt of the trauma.[123] The inconsistencies became clear during the trial, where at one point, the Claimant testified that he "remembere[ed] it was the left side" that was hit;[124] while at another point, he claimed that he was not sure whether he had hit his right or left shoulder.[125] Lest this inconsistency be said to be the

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121 3 April 2025 NEs at p 8 lines 11–16.

122 3 April 2025 NEs at p 8 lines 20–22, p 9 lines 6–8.

123 Claimant's AEIC at [9].

124 2 April 2025 NEs at p 38 lines 5–11.

125 2 April 2025 NEs at p 55 lines 19–23, p 59 lines 31–32, p 63 lines 1–2, p 82 lines 27–31.

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result of impaired memory due to the effluxion of time,[126] which (to be fair) is entirely possible, what is more telling is that such fluidity was also seen in his original accounts to the doctors that had been proffered a day or two after the accident. The Claimant had informed Dr Yong on 25 April 2023 that he had *right* shoulder pain,[127] but informed the doctors at TTSH on 26 April 2023 he had *left* shoulder pain.[128] For an injury that has allegedly caused permanent incapacity such that the Claimant has been deprived of his ability to even meaningfully work, it seems entirely inexplicable that the Claimant could be unclear about *which shoulder exactly* suffered the brunt of the impact around the time it happened. In my view, it is oddly inconsistent for a traumatic injury – typically sharp, memorable and localised (and leading, it would seem, to permanent disabilities) – to leave one in any doubt as to which shoulder bore the pain. The fact that the pain appears not to be localised in any meaningful way leaves questions as to whether any real trauma was experienced on his shoulder at the time of the purported accident.

45 Second, there are inconsistencies between the Claimant's account and the contemporaneous evidence in relation to the cause of the pain in his back and/or legs. Based on the contemporaneous evidence, the Claimant had visited Lavender Clinic purely for "right shoulder pain" – there was no suggestion of back pain and/or of any pain in his legs initially.[129] Any issue involving his leg

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126 See 2 April 2025 NEs at p 38 lines 10–11; See also 3 April 2025 NEs at p 3 lines 13–14.

127 Dr Yong's AEIC at p 4 (Lavender Clinic's Medical Report of the Claimant dated 10 June 2024).

128 Claimant's AEIC at p 194 (Medical report in TTSH Neurosurgery dated 11 December 2023).

129 Dr Yong's AEIC at p 4 (Lavender Clinic's Medical Report of the Claimant dated 10 June 2024); Mr Raja's AEIC at p 68 (WhatsApp conversation between Mr Raja and Dr Yong dated 25 April 2023).

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only emerged "[p]ost injection" (which Dr Yong suspected to be a side effect of the injection[130]),[131] while waiting for his medication to be dispensed.[132] It was in this context that Dr Yong suggested he be referred to TTSH. The first mention on the evidence of any injury to the Claimant's back was in the TTSH medical report, which noted that "[t]he X-ray of the lumbar spine … demonstrated mild degenerative changes in the lower lumbar spine".[133] In contrast, the Claimant alleges on affidavit that he had excruciating "pain in [his] shoulder, hips, lower back and lower limbs" since the moment he woke up on the day after the accident.[134] During cross-examination, the Claimant similarly testified that he had "explained to [Dr Yong that his] waist, [his] buttock, [his] leg and as well as [the] sole of [his] foot … felt pain".[135] I am unable to accept the Claimant's assertions. If the Claimant had complained of the pains in his back and/or legs prior to the injection, such information would have been recorded by Dr Yong and would have impacted Dr Yong's assessment of the cause of the Claimant's leg pains (*ie*, Dr Yong would likely not have attributed the Claimant's leg pains to the injection). This suggests that the Claimant's pains in his back and/or legs were not caused by the alleged accident.

46 Third, apart from how the Claimant had not initially complained of pain to his back during his visit to Lavender Clinic, I find it unlikely that the pains in the Claimant's back resulted from the alleged accident as they were

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130 9 April 2025 NEs at p 5 lines 25–27.

131 Dr Yong's AEIC at p 4 (Lavender Clinic's Medical Report of the Claimant dated 10 June 2024).

132 9 April 2025 NEs at p 7 lines 18–30.

133 Claimant's AEIC at p 194 (Medical report in TTSH Neurosurgery dated 11 December 2023).

134 Claimant's AEIC at [11].

135 3 April 2025 NEs at p 2 line 32–p 3 line 1.

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degenerative spinal and back ailments which, by their nature, are generally long-standing.[136] I do not accept the Claimant's contention that his back injuries "could not be due to a gradual degenerative condition" as there was no sign of such a condition prior to the accident and he was instead "generally healthy and fit" and "good to work", even on the Defendant's own case based on Mr Siva's testimony during cross-examination.[137] Mr Siva's statement must be seen in context – he had stated as such in relation to a question on whether the Claimant had been "absent from work frequently or on regular MCs", not with reference to any of the Claimant's medical reports prior to the accident. Quite understandably, Mr Siva would be in no position to comment on any latent ailments the Claimant may have had. In my mind, due to the nature of degenerative conditions, patients may very well be able to work in the early stages of such a condition and it would be difficult to conclude that the Claimant was completely healthy in the absence of medical reports to that effect. Therefore, I find that the Claimant has been less than candid with his claim by attempting to lump in entirely discrete and independent neurological ailments as part of his claim and by painting an exaggerated picture of the accident. This is further reflective of the lack of merit underlying his claim.

47 Fourth, I turn to how the Claimant had no external injuries despite allegedly falling from a three-metre height, which I find to be unusual. In relation to the absence of external injuries, the evidence is as follows: Dr Yong confirmed that the Claimant had "no external visible injuries" when he was examined on 25 April 2023;[138] Dr Benjamin Huang Yuying ("Dr Huang"), a senior resident physician from TTSH who prepared the subsequent medical

136 3 April 2025 NEs at p 50 line 31–p 51 line 5.

137 CCS at [9]; Claimant's Reply Submissions dated 11 June 2025 ("CRS") at [3].

138 9 April 2025 NEs at p 7 lines 3–8.

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report off of the Claimant's clinical documentations,[139] "[could not] remember" whether the clinical documentations noted any external injuries on the Claimant when he was examined on 26 April 2023;[140] the Claimant himself testified that there were no external injuries save for "some bruises on [his] buttock",[141] though I note that there is no corroborative evidence of this from any of the medical professionals. While I accept it to be a theoretical possibility, the dearth of visible injuries appears to me to be odd given the circumstances. It is unlikely that any person who suffers a fall of some impact would have no obvious external injuries as such falls from a height typically result in highly visible signs of trauma, whether by way of scratches, abrasions, bruises or wounds. This was by no means a fairly minor injury: on the Claimant's account, his shoulder hit onto a metal pipe, he apparently landed on his back and buttocks, and the pain in this case was very significant on his own account. It was, by the Claimant's own telling, a debilitating injury that had permanent consequences and that left him needing to rest for an extended period of time at the Worksite completely incapacitated. I find it improbable that the accident of such a degree has not led to some apparent visible external injuries in the form of bruises, abrasions or swelling, or a melange of these. Even if the injuries were mostly internal in nature, a serious fall would usually cause at least some external physical manifestation, such as contusions or scrapes, even if I accept that it is possible that some of the more prominent visual signs of such injuries may not manifest themselves until a day or two after the fall (which would have been after he was examined by Dr Yong).[142] The conspicuous absence of such injuries

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139 Dr Huang's Affidavit of Evidence-in-Chief dated 12 February 2025 ("Dr Huang's AEIC") at [1], [4].

140 3 April 2025 NEs at p 43 lines 14–18.

141 2 April 2025 NEs at p 63 lines 14–21, p 64 lines 7–10.

142 9 April 2025 NEs at p 9 lines 3–13.

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on these facts is unusual and is yet another factor that is suggestive that the accident never happened (at least not in the manner asserted by the Claimant).

48 Fifth, the Claimant's suggestion that there was some form of sinister arrangement on the part of the employees of the Defendant to send him back to China (as a prelude presumably to cancelling his work pass) does not hold against the weight of evidence.[143] The evidence available (in the form of, *inter alia*, WhatsApp messages that the Claimant himself wrote) clearly shows that it was the Claimant *himself* who repeatedly sought to return to China for treatment, claiming that the treatment in TTSH had no effect, and that he had eventually gone back to China pursuant to his own requests.[144] The evidence therefore clearly shows that it was the Claimant's own decision to return to China in spite of having failed in his attempts to strike an agreement with the Defendant "to cover half of his medical bills in China" before he had flown back.[145]

Timesheet

49 There was not an inconsiderable amount of time spent during the proceedings on matters pertaining to whether the workers had to "sign in" and "sign out" from the Worksite, and whether the Claimant was being paid to work late that day. In my mind, these matters are tangential to the proceedings and I briefly explain why this is so.

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143 See Claimant's AEIC at [17]–[19].

144 DBOD at pp 152–156 (WhatsApp messages from the Claimant to Mr Siva dated 5 and 6 May 2023).

145 DBOD at pp 116–117 (Internal emails adduced by the Defendant titled "Medical Reports - UTC-W333 TAO YUEGANG [xxx]" dated between 8 May 2023 and 7 May 2024).

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50 The Claimant contends that an adverse inference should be drawn against the Defendant for having failed to produce the written document which records the workers' "sign in" and "sign out" timings.[146] However, the Claimant himself has *never suggested such records exist*, and it is clear that counsel for the Claimant is merely attempting to latch onto a statement made by the Defendant's witnesses about the theoretical possibility of such records existing.[147] In any case, even if such records were to exist, they would be of little assistance to the Claimant's case. Since the Claimant himself takes the position that he had left the Worksite without notice, even if they existed, by his own case, they would not have shown when he left the Worksite and would not be able to prove that he had been working late that day. I thus decline to draw any adverse inference in relation to these records.

51 Next, I turn to the timesheet for 24 April 2023 that the Defendant had adduced to support its contention that the Claimant had ended work at or around 7.00pm that day.[148] The timesheet states that the Claimant had worked for a total of 14 hours that day – with 10 hours of work recorded as "[o]thers" and four hours of work recorded as "General Cleaning workers, Cycle".[149] The Defendant claims that this is consistent with its case as it shows that the Claimant had worked from 8.00am to 7.00pm (for a total of 10 hours, including an hour for lunch) and that the additional four hours were granted to him by way of a "productivity incentive".[150] The Claimant instead submits that no such "productivity incentive" exists based on both his and Mr Htat's understanding,

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146 CCS at [26].

147 4 April 2025 NEs at p 44 line 26–p 45 line 10; 9 April 2025 NEs at p 65 line 23–p 66 line 11.

148 DCS at [49].

149 DBOD at p 14 (Daily Time Sheet dated 24 April 2023).

150 9 April 2025 NEs at p 33 lines 3–15, p 37 lines 1–7.

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and that the Claimant had worked for more than 10 hours on the day of the purported accident.[151] I accept the Defendant's account as aligning more broadly with the evidence before me. For one, contrary to the Claimant's submissions, the Claimant's payslip for April 2023 clearly shows that a fair amount of his salary had, in fact, comprised a "Productivity Incentive".[152] Additionally, the Claimant's payslip for April 2023 broadly aligns with the Defendant's account of the Claimant's working hours as, on average, he would have worked 2.4 hours of overtime (from 5.00pm to before 7.30pm) every Monday to Saturday.[153] While I accept that calculating the *average* number of hours that the Claimant had worked overtime may not account for a situation where the Claimant worked overtime for more than two hours on the day of the accident but had worked fewer hours on other days,[154] on balance, I simply do not see any evidence that supports a finding for the Claimant having worked for more than 10 hours that day. Indeed, it is not even clear how the timesheet supports the Claimant's account at all since by his own case, he would have worked for 11.5 hours (*ie*, until 8.30pm[155]) and not 14 hours that day (*ie*, until 11.00pm), as a plain reading of the timesheet would suggest.[156]

Overall findings on credibility of witnesses

52 Finally, I turn to some general findings regarding the Claimant's account. To commence analysis on this point, I am constrained to note that much

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151 CCS at [16]–[21].

152 Mr Siva's AEIC at p 18 (Claimant's "End Apr Payslip" for April 2023).

153 Mr Siva's AEIC at p 18 (Claimant's "End Apr Payslip" for April 2023); 9 April 2025 NEs at p 33 line 29–p 36 line 25; DCS at [50]–[53].

154 See CCS at [21].

155 3 April 2025 NEs at p 7 lines 28–30.

156 See DCS at [50].

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of the Claimant's account is plainly exaggerated or inflated, thus diminishing the credibility of his account. I say this even if I were to take the Claimant's case at its highest. I illustrate this using some of the more relevant illustrations in this regard:

(a) The first illustration stems from what I find to be an exaggerated claim of $20,000 for pain and suffering arising from his shoulder injury. During cross-examination, the Claimant confirmed that by the time he was discharged from TTSH on 6 May 2023, his "shoulder had recovered".[157] Put another way, by his own assertion, he would have suffered no loss (or, at best, *de minimis* loss) for the shoulder injury since he did not, as far as I can tell, have his salary deducted for the time he spent being hospitalised at TTSH. Any pain would have also subsided by then. In light of this, it then begs the question – on what principled basis is the Claimant seeking damages to the tune of $20,000 in this claim for such an injury?[158]

(b) The second illustration relates to the exaggerated claims of loss of future earnings and loss of earning capacity, stemming from the Claimant's contention that he "[has] not been able to work at all and [has] no source of income".[159] Putting aside the fact that the Claimant has not adduced any evidence to support his assertion and taking his case at its highest which I will elaborate on below (*ie*, assuming that he was injured on 24 April 2023 in the manner he suggested such that he can never return to his previous work in construction), the Claimant has failed to address why he is unable to perform sedentary or desk-bound

157 3 April 2025 NEs at p 25 lines 20–23, p 27 lines 19–26.

158 Claimant's AEIC at [41(a)].

159 Claimant's AEIC at [38]; 3 April 2025 NEs at p 27 lines 14–18.

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work. Again, I accept that there may be good reasons for this, but on the evidence, none was even so much as posited, let alone cogently advanced. Indeed, in the LOD, the Claimant appeared to accept that he would have been able to continue working, albeit in sedentary positions.[160] No explanation was given for *why* he suddenly has no capacity to work today, when his own case previously (in the LOD) was that he could be so gainfully employed.

(c) Even the statements about the significance of the fall were, on objective parameters, plainly exaggerated. There was no conceivable chance that any fall could have been at a height of 3m, or even close. On any viewing of the picture of the ladder in question, it was clear that it did not come close to allowing a person to stand 3m above ground level. Indeed, I note that the Claimant himself accepted this during his cross-examination, in which he stated as follows regarding the height that he had fallen from: "Not 3 metres yet, only above 2 metres. I was saying that approximately 3 metres but not 3 metres yet."[161]

53 The Claimant has also conveniently jettisoned key aspects of his case as the proceedings unfolded once these facets became impossible to canvass as a matter of logic. In the course of cross-examination for example, neither Mr Muthu nor Mr Htat, the only eye-witnesses to what happened on 24 April 2023 (assuming one gave credence to the Claimant's account), was asked any questions about whether they saw the Claimant fall down and/or heard his cries for help. Indeed, Mr Muthu was not confronted at all with the contention that

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160 DBOD at p 109 (Letter of demand from counsel for the Claimant to the Defendant titled "Industrial Accident Claim" dated 29 April 2024 under "Loss of Future Earnings").

161 2 April 2025 NEs at p 59 lines 1–4.

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he had asked the Claimant to go up the pavilion, the purpose of this, how he presumably intentionally ignored the Claimant, or how he descended from the pavilion with the Claimant ostensibly blocking the only natural access point. In the same vein, Mr Htat was not confronted with the Claimant's account in spite of him having ostensibly been in relatively close proximity at the time. These are not just tangential aspects of the Claimant's case – these aspects lie at the very heart of his case; if these aspects fall away, the entire premise of the claim similarly collapses. And yet, attempts have not even been made to cogently flesh out what would have been key pillars of the Claimant's case.

54 I would also parenthetically note that I found it somewhat implausible that the Claimant would possess no understanding of the English language at all and that all communications with his supervisor had to be in the form of sign language and/or hand gestures.[162] He had been in Singapore for over a decade by then and it would have been impossible for him to meaningfully work or be productive with no understanding of English. It seems distinctly unlikely that he would not pick up some basic language at the workplace after over a decade working in Singapore. Add to that the inevitable everyday encounters in shops, on public transport, and in other non-workplace settings, it is reasonable to assume most would have, after about a decade, gained a functional grasp of the language, even if it may be limited or unpolished. To be sure, this is not to suggest he would have been especially fluent in English, but only to suggest it would have been rather unlikely for him to have no means to orally communicate at all with Mr Muthu or any of his supervisors, even via the use of rudimentary or basic English. Indeed, it would have been, in my view, functionally impossible for him to do some part of his work if this were true. This is in line with the evidence of the Defendant's witnesses (*ie*, Mr Muthu and

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[162] 2 April 2025 NEs at p 17 lines 4–11.

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Mr Htat) that he understands simple English,[163] evidence which I accept. This goes to further demonstrate the implausibility and incredulity of the Claimant's testimony.

55 On the other hand, the accounts given by the factual witnesses who testified on behalf of the Defendant were more logical, and broadly consistent with the documentation before me. It would not be profitable, in my view, to discuss *in extenso* the evidence again – instead, as I have explained throughout the entire judgment, where contemporaneous evidence existed, it tended to align with the account of the Defendant. I will do no more than to highlight the following six (non-exhaustive) points as a means to illustrate the general cogency and coherence of the Defendant's case:

(a) There was no mention of the purported accident across all the communications (that were produced in the course of these proceedings) between the Claimant and the employees of the Defendant. This is despite the fact that the communications produced showed extracts of (clearly unrehearsed and spontaneous) conversations with a number of different employees pertaining to the Claimant and his medical condition, that straddled over the course of a year (see [41] above).

(b) The timesheet and payslips corroborate the Defendant's account that the Claimant had likely ended work at or before 7.00pm. As was elaborated on above at [51], this was given my acceptance of the Defendant's assertion that the additional four hours recorded on the timesheet was a "productivity incentive" untethered to the number of hours worked by the Claimant in actuality.

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163 4 April 2025 NEs at p 6 lines 8–16, p 28 lines 8–12, p 38 lines 4–7.

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(c) The objective context of the "Kopar at Newton" project timeline – that the TOP was scheduled to be received in end-June 2023[164] – suggests that it would have been consistent with the Defendant's account for the team of three construction workers to have been assigned to complete finishing works on 24 April 2023.[165]

(d) As I had explained at length at [31]–[37] above, the circumstances are such that Mr Muthu's and Mr Htat's evidence (of there having been no accident and the Claimant leaving the worksite before 8.00pm) is far more logical and coherent than that of the Claimant's in relation to the events of 24 April 2023.

(e) The medical reports from both Dr Yong and Dr Huang (involving two discrete medical institutions) merely make mention of the fact that the Claimant had slipped and fallen, making no mention of any workplace accident (as is consistent with the Defendant's case (see above at [22])).[166]

(f) As I had also explained at [48] above, the objective evidence (in the form of WhatsApp messages from the Claimant to Mr Siva) squarely corroborates the Defendant's account that it was the Claimant who had insisted on leaving for China for medical treatment and is starkly inconsistent with the Claimant's account that the Defendant had a sinister plan to send him back to China.

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164 BOP at p 19 (Defence at D(4)-(5)(g)).

165 Mr Muthu's AEIC at [5]; See Defendant's Reply Submissions dated 11 June 2025 ("DRS") at [58].

166 Dr Yong's AEIC at p 4 (Lavender Clinic's Medical Report of the Claimant dated 10 June 2024); Dr Huang's AEIC at p 10 (Medical report in TTSH Neurosurgery dated 11 December 2023).

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56 I pause here to note that while the Defendant's witnesses were not able to testify *directly* to the alleged accident on 24 April 2023, this does not detract much from the strength of the Defendant's case. This is because based on the Defendant's account, such an accident simply did not happen and there was never any mention by the Claimant of any workplace accident. I would add, for completeness, that even if I were to start off on the premise that one must carefully scrutinise the accounts of the respective witnesses called by the Defendant in light of their vested interest in offering testimony favourable to the Defendant (which is a finding that I do not go so far as to make), I would still have found their accounts to be more aligned to the objective evidence than that of the Claimant's.

57 In the premises, I was of the view that the version of events advanced by the Defendant is much more plausible and likely than the narrative peddled by the Claimant. Accordingly, I find that no such accident had taken place on 24 April 2023 in the manner suggested by the Claimant. For the reasons explained above, I find, on balance, that the factual foundation underlying the claim has not been made out. Consequently, on that basis alone, the claim must fail.

Even assuming the Claimant's factual case was proven, negligence would not have been made out

58 For completeness, I deal with the question of whether there would have been a breach of duty, *assuming* the facts in this case are as stated by the Claimant.

59 As the Claimant's employer, the Defendant accepts that it owes a duty of care in common law "to provide a safe system of work, competent staff, and adequate materials" (*Parno v SC Marine Pte Ltd* [1999] 3 SLR(R) 377

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("*Parno*") at [45], citing *Wilsons and Clyde Coal Co Ltd v English* [1938] AC 57).[167] The fact that an accident may potentially be the result of an employee's inadvertence does not militate from allowing for relief since the entire *raison d'être* of imposing a duty on employers "to provide a safe system of work is precisely to protect an employee from his own inadvertence or carelessness" (*Parno* at [66]).

60 The question of what amounts to a safe system of work is necessarily a fact-specific one. An employer must first *devise a safe system of work* while having consideration of a myriad of factors, including the employee's experience, job scope, safety considerations specific to that worksite and/or occupational work. An employer must then take *reasonable care* to ensure that this system is *complied with*, such as by conducting regular checks on their employees (see *Zheng Yu Shan v Lian Beng Construction (1988) Pte Ltd* [2009] 2 SLR(R) 587 at [38] and [42]).

61 The particulars of the negligence pleaded by the Claimant is set out at [17(b)] above. Even assuming the veracity of the Claimant's account, I would still, on balance, not have been inclined to conclude that there has been a breach of duty on the part of the Defendant. Instead, on the evidence, I find that the existing measures in place are reasonable and suffice to discharge the Defendant's duty of care to provide a safe system of work to its workers.

62 The Claimant has failed to particularise the breach and/or to adduce relevant evidence demonstrating how a risk has not been reasonably addressed for a number of the alleged breaches of duty. These include the Defendant's alleged breaches of duty by having failed to ensure that the Worksite is not

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167 DCS at [66].

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"poorly lit" (see [17(b)(i)] above), failed to ensure that the Claimant was not exposed to any danger of hazard while carrying out the assigned tasks (see [17(b)(v)] above), and having feigned ignorance to the Claimant's yells and shouts for help following the accident (see [17(b)(vi)] above). I have little hesitation in rejecting the claims pursuant to these alleged breaches.

63 Instead, I focus on the Defendant's alleged breach of duty for having failed to ensure that the ladder was dry before permitting usage of it (see [17(b)(ii)] above), since it would seem that the Claimant's case places especial focus on this particular breach. In considering the reasonableness of the existing measures to address the risks of slipping and falling on ladders, I accept that the factor of an employee's experience would hold relatively little weight.[168] In this specific context, the most experienced construction worker is at almost as much risk (of slipping and falling) as a newly minted worker. I first set out the Defendant's existing measures for minimising the risks of slipping and falling on ladders:

(a) The Defendant's risk mitigation measures for "works at height using of platform ladder" (as set out in its safety risk assessment sheet) include the need to apply for a permit to work before such work commences and requires all workers to "[i]mplement buddy system when using ladder";[169]

(b) New workers are required to attend an induction briefing, which includes a safety briefing by the Defendant's safety coordinator. The

168 *cf* DCS at [71].

169 Mr Raja's AEIC at p 30 (Safety risk assessment sheet dated 1 August 2020 at item no 2); 2 April 2025 NEs at p 27 lines 14–18.

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Claimant had attended this briefing on 19 January 2021, as demonstrated by the signed copy of his "First Day Safety Induction & PPE Record";[170]

(c) The Defendant conducts "mass toolbox meetings", which are essentially practical training sessions, for instance, about safety equipment and safety topics. The Defendant claims that all workers can understand these sessions since supervisors who are able to speak Chinese, Tamil and/or English are present;[171]

(d) Workers are issued personal protective equipment ("PPE"), including anti-slip safety shoes that are oil resistant.[172] The Claimant had also been issued the necessary PPE, as demonstrated by the PPE issuance record adduced by the Defendant;[173]

(e) As part of routine protocol, once the rain has stopped on a rainy day, workers are only able to return to work after the Defendant's safety team grants clearance following a post-rain inspection;[174]

(f) Platform ladders, like the one in the photograph, are fitted with handrails and anti-slip perforated steps.[175] The Claimant confirms that there were handrails but that that he "did not have time to hold on to anything";[176] and

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170 Mr Raja's AEIC at [10], p 58 (Claimant's First Day Safety Induction & PPE Record dated 19 January 2021).

171 9 April 2025 NEs at p 78 lines 26–31.

172 9 April 2025 NEs at p 57 lines 8–11; DCS at [74].

173 Mr Raja's AEIC at pp 63–66 (PPE issuance record for the Claimant).

174 9 April 2025 NEs at p 74 lines 12–28.

175 DCS at [72].

176 2 April 2025 NEs at p 60 lines 10–15.

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(g) There is daily supervision of the construction workers by team leaders, such as Mr Muthu.[177] Site inspection and audits are also conducted by the Defendant's safety team on a daily basis.[178]

64 The Claimant raises several contentions in response to the above measures, including how the Defendant ought to have produced documents stating in writing the standard procedure and specific training conducted for wet weather conditions (*ie*, [63(e)] and [63(g)] above),[179] and whether the Defendant had in fact conducted training on the usage of platform ladders due to the inconsistency between what Mr Muthu and Mr Raja understand to be the handrails.[180] To my mind, these arguments do not detract from how the Defendant has implemented a suite of measures to address the risks of slips and falls from ladders. It is difficult to see what else a *reasonable* conscientious employer could be expected to do in these circumstances. It would seem to me that one needs to assess what is being asked of an employer through the lens of reasonableness – an employer of workers at a construction site, for example, cannot be expected to wipe dry all exposed surfaces in a construction site after rain for that appears to be an impossible standard to meet.

65 While "the fact that the [Claimant] had to take a risk does not amount to contributory negligence on his part if the risk were created by the negligence of the [Defendant] and was one which a reasonably prudent man in the [Claimant's] position would take" (see *Parno* at [64]), it is not the role of the law to shield from blame (in a legal sense) employees who disregard the

177 DCS at [75].

178 9 April 2025 NEs at p 74 lines 1–3.

179 CCS at [72].

180 CCS at [71].

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simplest, most commonsensical measures meant to safeguard their own well-being. Indeed, it is telling that when asked on the stand as to what his specific allegation of negligence in this case was, the Claimant's answer did not make any reference to the Defendant and instead focused solely on his own actions, stating: "I was careless when I came down. I slipped and fell".[181] The Claimant also accepted in cross-examination that if he had held on to the handrails, he would not have fallen.[182] All of this must be seen in the context of the reality that the Claimant was no babe in the woods: he was an experienced construction worker (with some two decades of experience under his belt by 24 April 2023) and one who had attended no fewer than five courses on workplace safety in construction sites between 2012 and 2021.[183] Seen in its proper context therefore, even if the purported accident had occurred, the risk of slips and falls had not been created in the main by any negligence on the part of the Defendant, but rather was primarily the result of the Claimant's own carelessness.

66 On a related note, while counsel for the Claimant had repeatedly suggested that safety standards were not adhered to, the Claimant was unable to point to any safety standards that the court should consider, save for cursory references to the WSHA and regulations enacted under the WSHA without further elaboration (see [17(a)] above). Again, the question can be asked, what exactly is the standard that the Claimant is seeking the Defendant, *qua* construction company, to live by? It would be impossible for me to sketch out what these requirements are because, simply put, the Claimant himself does not answer this question in any of his pleadings or submissions. It should be

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181 3 April 2025 NEs at p 15 lines 20–21.

182 3 April 2025 NEs at p 58 line 31–p 59 line 1.

183 DBOD at p 34 (Claimant's Ministry of Manpower Work Training Record retrieved on 27 May 2024).

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apparent that if the Claimant himself is unable to suggest what else the Defendant could have done to avert the accident, then it either suggests that he is unable to fashion a standard that can be meaningfully accepted by the court, or that he appreciates that the standard that he seeks sets such a high bar that it would surely be rejected as being wholly unrealistic. Be that as it may, the discussion of what the standard of negligence is, and whether it is met on the facts, is moot in so far as I did not find in favour of the Claimant on the facts.

Even if there were negligence, damages would not have been proven

67 To ensure the analysis of the matter before me is complete, should I have found the Defendant liable (whether fully, or by way of contributory negligence), I would have had some reservations about the quantum of damages that have been sought. In addition to the concerns raised earlier regarding the various heads of damages, I would also express three further reservations:

(a) On top of the concerns set out in [52(b)] above regarding the claims for loss of future earnings and loss of earning capacity, the Claimant has also failed to prove that his injuries from the alleged accident have resulted in a permanent inability to work. The Claimant alleges that "[a]fter the [a]ccident, [he has] not been able to work at all and [has] no source of income".[184] However, the Claimant has not provided any medical evidence that corroborates this assertion. The many receipts provided in relation to the care that the Claimant obtained in China merely speak to discrete sets of medical treatment he had undergone. Even assuming all of these receipts were in fact authentic, it is not clear how any (or all) of such treatment translates to the Claimant's physical ailments rendering him unable to work, whether permanently

[184] Claimant's AEIC at [38].

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or for a specific period of time. Indeed, the *only* specialist who was called by the parties concluded that by the time the Claimant was discharged from TTSH on 6 May 2023, "he was discharged well and stable".[185] It was not just the case that not a single medical practitioner from China gave evidence, but a case where *no one* was called by the Claimant to give such evidence, or to even hint at it. This did not, in my mind, cohere at all with the Claimant's self-interested protestations that he now suffers from "[r]esidual permanent disability" and "[r]esidual disability",[186] and should be granted damages on that basis. In the premises, I have little basis to conclude that the assertion that he is permanently unable to work is rooted in fact, or in evidence. In fact, as explained earlier (see [52(b)]), the Claimant (in his own LOD) previously rejected the idea that he is completely unable to work.

(b) As mentioned above at [46], the Claimant has failed to establish a causal link between the trauma caused by the alleged accident and the pains in his back. The Claimant's own expert witness, Dr Huang, had declined to state conclusively (in both his further report dated 25 November 2024 and while on the stand) whether the Claimant's back pains were caused by trauma or by degenerative changes.[187] There is also no report, or medical evidence, provided by the Claimant that proves the evidential bridge between such potentially longstanding (though likely latent) ailments of this nature and the trauma caused from the accident alleged; and

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185 Dr Huang's AEIC at p 10 (Medical report in TTSH Neurosurgery dated 11 December 2023).

186 Claimant's AEIC at [41(a)].

187 3 April 2025 NEs at p 50 line 23–p 51 line 5; Dr Huang's AEIC at p 17 (Further medical report by Dr Huang dated 25 November 2024); *cf* CCS at [9].

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(c) Many of the receipts provided – amounting to some $14,000[188] – bear very little (to no) context to them. Even giving the Claimant the benefit of the doubt that he did, in fact, incur these expenses, this does not answer the more pertinent question about how, if at all, these expenses arise as a result of the injuries allegedly sustained in the accident. The same concerns about the conflation of pre-existing long-term injuries with those ostensibly caused by the accident also feature in this part of the discussion.

68 Seen in totality therefore, even assuming I had found in favour of the Claimant on the matter of the accident and also found the Defendant to be liable in negligence, these glaring deficiencies in making good his evidential case for the damages suggest that it would have been likely that any quantum of damages awarded would be considerably more tempered than is presently being claimed. Be that as it may, as I observed earlier, this represents an academic exercise in so far as I have found, on the balance of probabilities, that the version of events advanced by the Claimant did not even happen.

Conclusion

69 One hears occasional accounts of construction workers being mistreated, underpaid or otherwise being given a raw deal in terms of remuneration, living conditions or medical treatment. These stories resonate, quite understandably, as they speak to hardship, struggle and to the imbalance of power in a world that can, at times, overlook their difficult toils. But while such narratives stir deep sentiment, sentiment cannot be the compass for fact-finding or for ascribing legal liability. Each case must ultimately be decided on

188 Claimant's AEIC at [41(g)].

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the facts and be examined with a clear-eyed, objective mind, unclouded by assumption or emotion.

70 On the facts, I accept that the Claimant must have, at some point of time, suffered injuries of some form, but it is apparent that there is no fault to be laid at the employer's feet. The evidence is clear – the Defendant did not contribute to the apparent events of 24 April 2023 as there was simply no such accident that occurred that day as has been pleaded. There was therefore nothing for the Defendant to be responsible for. On the contrary, the evidence suggests that, as an employer, they had attempted to do right (in reasonable terms) by the Claimant, including agreeing to bear his costs of treatment until he left for China, and even checking up on him while he was back in China. In those circumstances, it is difficult to see what more they ought to be expected to do.

71 For the above reasons, I dismiss HC/OC 592/2024. If costs are not otherwise agreed, the parties are to file submissions on costs, limited to no more than five pages each, within two weeks of the issuance of this judgment.

Mohamed Faizal
Judicial Commissioner

Liew Hwee Tong Eric, Cornelius Sng Jia Chong (Advox Law LLC) for the claimant;
Tan Hui Ying Grace, Anparasan s/o Kamachi (WhiteFern LLC) for the defendant.

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