1. This judgment DOES need redaction.
2. Redaction HAS been done.

District Judge Chiah Kok Khun
14 October 2025

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGMC 62

Magistrate's Court Originating Claim No 9492 of 2024

Between

Rajib Kumar Dhali

… *Claimant*

And

Maybank Singapore Limited

… *Defendant*

JUDGMENT

[Debt and recovery — Enforcement — Writs of seizure and sale — Whether judgment creditor had taken reasonable steps to ascertain ownership of moveable property seized — Whether judgment creditor owed third party a duty of care to verify ownership of moveable property before executing writ of seizure and sale]

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v
Maybank Singapore Limited

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14 October 2025 Judgment reserved.

District Judge Chiah Kok Khun:

Introduction

1 The claimant is a Singapore Citizen. The defendant is a financial institution. The defendant is the judgment creditor of the claimant's father (the "Judgment Debtor") under a default judgment (the "Judgment")[1] entered against him for unpaid sums under his credit card account.

2 The defendant filed a writ of seizure and sale (the "WSS") pursuant to the Judgment to seize movable property in an HDB flat of which the Judgment Debtor is a co-owner. The claimant claims that the movable property seized by the defendant (the "Seized Items") belonged to him, and that the defendant has wrongfully executed against the Seized Items. The claimant claims against the

[1] MC/JUD 5053/2019.

defendant for damages for not verifying the ownership of the Seized Items. The claimant also contends that the defendant owed him a duty of care in the execution of the WSS to ensure that the Seized Items were not owned by him. The claimant seeks the sum of $25,000 for emotional stress, anxiety and mental anguish; $30,000 for legal costs, expenses and financial losses; and also unspecified exemplary damages.

3 For the reasons set out below, I am dismissing the claim.

Issues to be determined

4 The issues to be decided by me in this case are as follows:

(a) Whether the defendant had taken reasonable steps to ascertain the ownership of the Seized Items.

(b) Whether the defendant owed the claimant a duty of care to verify the ownership of the Seized Item before executing the WSS.

Analysis and findings

The defendant has taken reasonable steps to ascertain the ownership of the Seized Items

5 It is not disputed that the defendant had obtained the Judgment on 31 May 2019 against the Judgment Debtor. It is also not disputed that the defendant has not received full satisfaction of the Judgment.[2]

6 On 15 February 2024 the defendant's solicitors, Advent Law Corporation ("ALC") sent a letter to 86 Whampoa Drive [unit number redacted], Singapore (the "Execution Address"), being the Judgment Debtor's

[2] Hoo Mee Lan's AEIC at [6].

residential address on the defendant's records.[3] The letter was sent by ALC to the Execution Address addressed to the occupants at the Execution Address giving notice of an impending Writ of Seizure and Sale to seize property at the Execution Address pursuant to the Judgment, and informed the occupants to furnish the defendant with the Judgment Debtor's new residential address if he no longer resided at the Execution Address.[4]

7 As there was no response to the letter, the defendant instructed ALC to conduct a land title search on the property at the Execution Address. The search showed that the property was owned by two joint tenants, namely the Judgment Debtor and one Kalyani Rani Mondal. It is of pertinence to note that the claimant was not listed as an owner of the property located at the Execution Address. ALC proceeded to file the WSS on 23 August 2024 against the Judgment Debtor pursuant to the judgment debt owed under the Judgment.[5]

8 On 16 September 2024, the defendant's representative from ALC attended at the Execution Address together with the bailiff to conduct the first execution of the WSS. As alluded to above, the property at the Execution Address was an HDB flat. In accordance with established practice, this execution was deemed unsuccessful as the property at the Execution Address was locked. The bailiff fixed the date of the second execution of the WSS for 18 October 2024.[6]

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3 Mohamad bin Haron's AEIC at [3].

4 Hoo Mee Lan's AEIC at p11.

5 Hoo Mee Lan's AEIC pp13-14.

6 Hoo Mee Lan's AEIC at [11]-[12].

9 On 17 October 2024, ALC conducted another land title search on the property at the Execution Address. The search confirmed that the property at the Execution Address was owned by the two joint tenants referred to above.[7]

10 At the second execution of the WSS at the Execution Address on 18 October 2025 the defendant's representative and the bailiff met a family member of the Judgment Debtor. She informed them that she was the Judgment Debtor's wife. They proceeded to explain to the family member a number of matters as follows:

(a) they were executing the WSS against the Judgment Debtor;

(b) they would be marking items for seizure; they would leave a document with her specifying what had been seized;

(c) she should ask the Judgment Debtor to call the defendant or ALC.

(d) if any of the items seized did not belong to the Judgment Debtor, and she had a receipt for the purchase of the item, she should show the receipt to them there and then, and they would not seize such items; if she had no receipt, then they would seize the items; and

(e) she could go to the filing bureau of Crimsonlogic at the State Courts to make a claim in respect of the items seized within seven days of the seizure, if the items seized did not belong to the Judgment Debtor but to her.

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7 Hoo Mee Lan's AEIC at pp16-23.

11 There is no dispute that the family member allowed the defendant's representative and the bailiff to enter the Execution Address without protest. It transpired that when the process of execution was commencing, another family member of the Judgment Debtor appeared. She informed them that she was the Judgment Debtor's daughter. The defendant's representative and the Bailiff repeated the above explanation to her. It is not disputed that she did not raise any protest or objection.

12 The execution process ensued. The Seized Items were identified in the inventory list as follows:[8]

(a) TV 42" – Samsung

(b) Black Sofa Set 3+1 + Coffee Table

(c) Dining Table + 3 Chairs

(d) 3-door Fridge – Mitsubishi

(e) Washing Machine 6.5kg Top Load – LG

13 After attaching seals of the State Courts on the items seized, the bailiff left a copy of the notice of seizure and inventory with the two family members. The family members were informed as follows:[9]

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8 Mohamad bin Haron's AEIC at [10]-[13].

9 Mohamad bin Haron's AEIC at [14].

(a) they were to give the notice of seizure and inventory to the Judgment Debtor, and to get the Judgment Debtor to call the defendant or ALC;

(b) the Seized Items should not be moved;

(c) if any of the Seized Items were found to be missing when the bailiff returned to conduct an auction of the Seized Items, the bailiff would make a police report in respect of the missing items; and

(d) if the Seized Items did not belong to the Judgment Debtor, they could still go to the service bureau of Crimsonlogic at the State Courts to file a claim, together with the receipts for the items.

14 I have set out the above matters in some detail as they are relevant to the claim made in the present case. It should be noted that the above steps taken by the representative of the defendant and the bailiff are steps that are taken as a matter of course in the seizure of moveable property conducted by State Courts bailiffs. As seen, the steps taken are to ensure that the ownership of the moveable property seized have been reasonably established. Adequate safeguards are also put in place in the above steps to allow for legitimate claims of ownership to the seized property. These steps include those taken, as in the present case to establish that the Judgment Debtor is one of the owners of the property at the Execution Address. Precautions are built into the process detailed above to allow any relevant information regarding the ownership of the moveable property in the Execution Address be made known to the defendant and the bailiff before the seizure.

15 In my view, the process of execution should not be made unreasonably onerous for the judgment creditor. At the outset, it must be recognised that

execution of the judgment is needed in the first place only because the judgment debtor has failed to satisfy the judgment debt. The recovery of unsatisfied judgment debts by judgment creditors must be facilitated. Judgment creditors should not be unduly deprived of their fruits of litigation. The present process, as detailed above, facilitates the recovery of judgment debts, and at the same time provides accessible avenues for genuine adverse claims of ownership of seized property. Any suggestion that judgment creditors should be made to bear the burden of proving the ownership of moveable property to be seized should be rejected. The practical difficulties in proving the ownership of moveable property not in the possession of the judgment creditors make such a burden unjustifiably difficult. It places an unreasonable hurdle in the path of the judgment creditor and renders the recovery of judgment debts prohibitively onerous.

16 I return to the present case. The claimant's claim is essentially for wrongful seizure of the Seized Items, based on the assertion that he is the rightful owner of the items.[10] It is however unclear to me what is the cause of action that underpins "wrongful seizure". It is not articulated in his pleadings nor his AEIC. In any event, as seen above, I note that the defendant had taken all reasonable steps to ascertain the ownership of the Seized Items at the Execution Address before the seizure. The defendant had followed the existing procedure of executing the WSS. I do not see what other steps beyond what the defendant had taken would be reasonably necessary to ascertain the ownership of the Seized Items before seizure. Further, an interpleader process is provided for under O 17 of Rules of Court 2014 (which was applicable at the time of the execution of the WSS) for any adverse claims to be made as regards the ownership of the Seized Items. I note that the claimant has chosen not to avail

[10] Paras 4 & 8 of the statement of claim.

himself of that process. In this regard, the claimant has admitted that after the execution on 18 October 2024, he knew of the interpleader process which would have allowed him to make a claim in respect of the Seized Items, but had chosen not to avail himself of the process.[11]

The defendant did not owe the claimant a duty of care

17 The claimant also contends that the defendant breached its duty of care to the claimant when it allegedly failed to verify that the property at the Execution Address belonged to the claimant.[12] By this, it appears that the claimant has in mind a cause of action in negligence.

18 In this regard, I turn first to the relevant legal principles governing the law of negligence.

19 The answer to the question of whether a duty of care arises in a given situation lies with the concept of proximity. I turn now to the universal test in Singapore for determining the question of duty of care: the Court of Appeal decision in *Spandeck Engineering (S) Pte Ltd v Defence Science & Technology Agency* [2007] 4 SLR(R) 100 ("*Spandeck*").[13]

20 The well-known case of *Spandeck* laid down the applicable test for determining when such a duty of care arises. It sets out the basic two-stage test premised on proximity and policy considerations, with its application preceded

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11 NE p 37, lines 8-11.

12 Para 4a of statement of claim.

13 I had the occasion recently to discuss the law relating to duty of care *in Tey Song Kiem Mrs Goh Cheow Miang v Mohd Jaffar Bin Ismail practising as Ffusion Architects (Singapore UEN No. 53432836M) & Another* [2025] SGDC 260.

by a preliminary requirement of factual foreseeability. The Court of Appeal held at [115] that:

> 115 To recapitulate: A single test to determine the existence of a duty of care should be applied regardless of the nature of the damage caused (*ie*, pure economic loss or physical damage). It could be that a more restricted approach is preferable for cases of pure economic loss but this is to be done within the confines of a single test. This test is a two-stage test, comprising of, first, proximity and, second, policy considerations. These two stages are to be approached with reference to the facts of decided cases although the absence of such cases is not an absolute bar against a finding of duty. There is, of course, the threshold issue of factual foreseeability but since this is likely to be fulfilled in most cases, we do not see the need to include this as part of the legal test for a duty of care.

21 The test laid down in *Spandeck* comprises a preliminary or threshold question coupled with a two-stage test. The preliminary question asks whether it was factually foreseeable that the claimant would suffer loss from the defendant's actions. In this regard, the Court of Appeal noted that the threshold requirement of factual foreseeability is easily satisfied in most cases. As for the two-stage test, it considers at the first stage whether there exists sufficient proximity between the parties. At the second stage, it considers whether policy considerations point against a duty of care arising: *Spandeck* at [75]-[83].

22 In regard to the question of proximity in the first stage, the test is one of legal proximity arising from the closeness of relationship between the parties. The Court of Appeal stated at [77] as follows:

> 77 The *first* stage of the test to be applied to determine the existence of a duty of care is that of proximity, *ie*, that there must be sufficient *legal* proximity between the claimant and defendant for a duty of care to arise. The focus here is necessarily on the closeness of the relationship between the parties themselves, as alluded to by Bingham LJ in the Court of Appeal stage of *Caparo Industries Plc v Dickman* [1989] QB 653, where he said (at 679) that while "[t]he content of the requirement of proximity, whatever language is used, is not … capable of precise definition" and "[t]he approach will vary

> according to the particular facts of the case, … the focus of the inquiry is on the *closeness and directness of the relationship between the parties*" [emphasis added]. Indeed, in Hedley Bryne ([44] supra) itself, the House of Lords used language which pointed to the relationship between the parties as being determinative of duty.
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> [emphasis in original]

23 As seen, the requisite legal proximity stems from the closeness and directness of the relationship between the parties. The relationship between the parties is determinative of the existence of a duty of care. The Court of Appeal held further at [81] as follows:

> 81 In our view, Deane J's analysis in *Sutherland*, that proximity includes physical, circumstantial as well as causal proximity, does provide substance to the concept since it includes the twin criteria of voluntary assumption of responsibility and reliance, where the facts support them, as essential factors in meeting the test of proximity. Where A voluntarily assumes responsibility for his acts or omissions towards B, and B relies on it, it is only fair and just that the law should hold A liable for negligence in causing economic loss or physical damage to B: see Phang, Saw & Chan at 47, where the authors wrote:
>
> > *[B]oth* perspectives are, at bottom, *two different (yet inextricably connected) sides of the same coin and ought therefore to be viewed in an integrated and holistic fashion.* [emphasis in original]

24 Therefore, legal proximity can also be seen in terms of a causal proximity. This includes the situation where one party assumes responsibility for his acts or omissions towards another party, and the other party relies on that assumption of responsibility. In such a situation, it is fair and just that the law should hold the first party liable for negligence in causing economic loss or physical damage to the second party. The twin elements of voluntary assumption of responsibility and reliance are seen as constituting a causal relationship between the parties, and would give rise to a duty of care.

25 As regards the second stage of the test, that of policy considerations, the Court of Appeal held at [83] as follows:

> 83 Assuming a positive answer to the preliminary question of factual foreseeability and the first stage of the legal proximity test, a prima facie duty of care arises. Policy considerations should then be applied to the factual matrix to determine whether or not to negate this duty. Among the relevant policy considerations would be, for example, the presence of a contractual matrix which has clearly defined the rights and liabilities of the parties and the relative bargaining positions of the parties.

26 As seen, the matter of policy considerations is left deliberately wide. It is intended to encompass considerations of a broad nature. Relevant policy considerations may include those involving value judgments which reflect differential weighing and balancing of competing moral claims and broad social welfare goals: *Spandeck* at [85].

27 Returning to the question in the present case of whether the defendant owed a duty of care to the claimant in the course of carrying out the execution of the WSS, the first stage of the *Spandeck* test asks whether there was sufficient proximity between the claimant and the defendant to give rise to a duty of care. Therein lies the problem for the claimant. The claimant says that the defendant owed him a duty of care to verify the ownership of the Seized Items before executing the WSS.[14] However, the claimant has not established that in law, there is the requisite close relationship between him and the defendant. There was no directness of the relationship between the parties. The defendant was executing the WSS against the moveable property of Mr Arun. Mr Arun was the Judgment Debtor, and the execution was carried out at the Execution Address which was a property co-owned by Mr Arun. The claimant has no

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[14] Para 3 of the statement of claim.

connection with any aspect of the execution of the WSS. He has nothing to do with the Judgment, the moveable property of Mr Arun, nor the property at the Execution Address. The Judgment did not concern him. He was not one of the owners of the property at the Execution Address. There is no reason to believe that the moveable property located at the Execution Address belonged to him. The requisite legal proximity stemming from the closeness and directness of the relationship does not exist between the claimant and the defendant.

28 As discussed above, the relationship between the parties is determinative of the existence of a duty of care. The absence of causal relationship between the parties meant that there is no legal proximity between them, and no duty of care is given rise.

29 I note that the claimant claims that the moveable property located at the Execution Address, and in particular the Seized Items, were owned by him.[15] However, the claimant has not shown that he was the owner of the Seized Items. In fact, no attempt was made by the claimant to prove that the Seized Items belonged to him. There is no evidence proffered of his ownership at all. All we have is the claimant's bare assertion that he owned the Seized Items.

30 The claimant was crossed examined closely by the defendant's counsel on his assertion of ownership of each of the Seized Items. He agreed that he does not have any objective evidence that he owned the Seized Items. He says he no longer have any receipts for them. When asked for evidence of his claims of having purchased the Seized Items, the Claimant came up with various reasons for why he was unable to produce any evidence or call any witnesses

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[15] Para [2b] of the statement of claim.

who would otherwise have been able to corroborate his testimony.[16] In this regard, he made reference at the trial to persons who may be able to testify to his ownership of some of the items, but said that they were either unable or unwilling to come to court to give evidence on his behalf to prove his ownership. He admitted his own family members who are residing at and occupying the Execution Address are unwilling to give evidence on his behalf to prove his ownership of the Seized Items.

31 Further, in his bid to assert ownership, the claimant contends that he has exclusive control of the Seized Items and was the "primary user" of the items. When cross-examined, the claimant stated that his reference to exclusive control is evidenced by how he allegedly had the sole right to make decisions pertaining to the Seized Items, even though the other members of the household could use the items.[17] I am however unable to see how exclusive control or primary usage of the Seized Items prove ownership of them and no legal authorities have been proffered for my consideration in this regard. Further, the claimant has not adduced any evidence of his alleged sole right to make decisions pertaining to the Seized Items, nor him being the "primary user" of the items.

32 Yet further, the claimant contends that he has exclusive occupation of the property at the Execution Address and therefore also exclusive control of the moveable property therein. The basis of his contention is that he pays for the broadband internet and the utilities at the Execution Address.[18] I am firstly unable to see how his payment of the internet and utilities bills shows that he has exclusive occupation of the property at the Execution Address. Second, the

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16 NE pp 14-19.

17 NE p 30 lines 5-18.

18 NE p 23, lines 3-5.

claimant has not explained how exclusive occupation of the property at the Execution Address is connected to exclusive control of the moveable property therein. Third and in any event, I am unable to see how exclusive control of the Seizure Items leads to ownership of the items.

33 Moreover, the claimant does not dispute that he is one of the five occupiers of the property at the Execution Address. This undercuts his contention that his occupation of the property shows that he owned all of the Seized Items.[19] In fact, he admits that all the occupiers had use of the Seized Items.[20] Occupation of the property at the Execution Address plainly cannot be proof of ownership of the Seized Items.

34 At the end of the day, there is no objective evidence to show that the claimant had purchased any of the Seized Items, apart from his own say-so.

35 As alluded to above, there is in any event no causal relationship between the claimant and the defendant giving rise to a duty of care in the course of carrying out the execution of the WSS. There is no voluntary assumption of responsibility by the defendant and corresponding reliance by the claimant on any such assumption of responsibility to constitute a causal relationship between the parties.

36 With the foregoing, it is the end of the inquiry under the two-stage test under *Spandex*. The claimant fails at the first stage of the test. No duty of care towards the claimant arose. For completeness, I would add that I agree with the defendant that the availability of alternative statutory remedies and processes, which the claimant did not avail himself, would be a policy reason militating

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19 NE p 25-26.

20 NE p29, lines 24-30; p31, lines 30-32.

against the imposition of any duty of care in any event*: Writers Studio Pte Ltd v Chin Kwok Yung* [2022] SGHC 205. The interpleader procedure was an available statutory remedy that the claimant chose not to have recourse to, despite being aware of its availability at the material time.

37 As well for completeness, I note that the claimant has not shown that he did in fact suffer the losses as claimed. No evidence in any form has been offered by the claimant in this regard. There is therefore no proof of any damage suffered. Bearing in mind in particular that the trial before me was unbifurcated, the tort of negligence is thus not made out in any event.

38 Finally, I note that the claimant had pleaded a cause of action in conversion.[21] He also made some vague reference to "wrongful interference" with his goods. However, he has not shown any factual nor legal basis for his claim in conversion, or for "wrongful interference". He has not proven that he was in actual possession of the Seized Items at the time of seizure, and that he has the immediate right to possession. Moreover, as discussed above, the claimant has not shown that he has suffered any loss. There is plainly no merit to his claim in conversion, nor "wrongful interference".

Conclusion

39 In view of all of the foregoing, I find that the claimant has failed to prove his case on a balance of probabilities. The claim is therefore dismissed.

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[21] Para 4c of statement of claim.

Costs

40 As for costs, I had asked parties to address me on the question of costs in their closing submissions. I directed parties to submit on the costs that I should award in both the event of a favourable outcome, and the event of an adverse outcome of the case. I note in this regard that the defendant has also helpfully tabulated its disbursements in its closing submissions.[22]

41 There is no reason for costs not to follow the event in this case. The claimant is pay the costs of the trial to the defendant. As for the quantum of costs, I take into consideration the following:

(a) The costs (excluding disbursements) to be allowed for Magistrate's Court cases based on the claimant's claim quantum is in the range of $5,000 to $18,000: see O 21 of Rules of Court 2021, Appendix 1, Pt 5.

(b) The dismal lack of merit and basis for the claim.

(c) The refusal of the claimant to consider alternative dispute resolution at the case conference stage.

(d) The citation by the claimant of 11 statutory provisions and case precedents which are either fictitious or did not stand for the legal propositions cited for.

(e) The amount of work done, and the time spent by parties on the matter.

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22 Para 36 of the defendant's closing submissions.

42 After considering the above factors and the respective submissions on costs, I fix costs at $18,947.13 (inclusive of disbursements), plus GST where applicable, to be paid by the claimant to the defendant forthwith.

43 I would add a comment in reference to the statutory provisions and case precedents cited by the claimant in this case. Parties who choose to represent themselves in court, like the claimant, have a responsibility to ensure that case precedents and authorities cited in their arguments do in fact support the propositions they are cited for. Simply inundating the court and the opposing side with case precedents and authorities generated by artificial intelligence does not discharge this responsibility. Generative artificial intelligence is not to be confused with professional legal expertise. Tendering fictitious or erroneous case precedents and authorities leads to time and costs wastage. Costs orders may be imposed in appropriate cases to address such time and costs wastage caused by indolent reliance on generative artificial intelligence by self-represented parties in presenting their cases in court.

Chiah Kok Khun
District Judge

claimant in person;
Mr Ng Huan Yong and Mr Peh Chong Yeow (Advent Law Corporation) for defendant.