1. This judgment DOES NOT need redaction.
2. Redaction HAS NOT been done.

District Judge Chiah Kok Khun
24 March 2026

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGDC 102

District Court Suit No 1276 of 2016
Registrar's Appeal No 19 of 2025
Registrar's Appeal No 30 of 2025
Registrar's Appeal No 32 of 2025
District Court Summons No 2070 of 2025

Between

Andy Tan Poh Weng

… *Plaintiff*

And

Jee Lee

… *Defendant*

JUDGMENT

[Damages — Measure of damages — Personal injuries case — Assessment of injuries attributable to accident — Whether accident caused aggravation of pre-existing degenerative conditions — Whether accident caused psychiatric injuries]

[Civil Procedure — Appeals — Adducing fresh evidence on appeal — Legal principles governing adduction of further evidence in an appeal — Whether *Ladd v Marshall* principles applicable]
[Civil Procedure — Interim payment — Repayment of interim payment after judgment — Whether repayment of interim payment must be ordered before perfection of judgment]

TABLE OF CONTENTS

Andy Tan Poh Weng
v
Jee Lee

[2026] SGDC 102

District Court Suit No 1276 of 2016 (Registrar's Appeal Nos 19, 30 & 32 of 2025; District Court Summons No 2070 of 2025)
District Judge Chiah Kok Khun
29 January, 11 March 2026

24 March 2026 Judgment reserved.

District Judge Chiah Kok Khun:

Introduction

1 These appeals ("RAs") from the decisions of the learned deputy registrar ("DR") are related to an assessment of damages ("AD").

2 The facts leading to the RAs have been fully set out in the DR's judgment (see *Andy Tan Poh Weng v Jee Lee* [2025] SGDC 102 ("DR's judgment")). In brief, the plaintiff sued the defendant for negligently rear-ending his vehicle on 26 May 2010 (the "Accident"). Consent interlocutory judgment was entered on 2014, with damages to be assessed at 95% against the defendant, and costs and interests reserved. Fourteen years after the Accident,

and more than 10 years after the consent interlocutory judgment, the plaintiff eventually proceeded to have his claims quantified at the AD.

3 On 23 April 2025, at the end of the AD, the DR awarded damages to the plaintiff assessed at $10,608.10. The plaintiff filed RA 19, appealing against all the awards made by the DR. He also filed RA 30 to appeal against the whole of the decision of the DR on costs and interest given on 13 June 2025 ("Costs Decision"). The plaintiff also applied for leave in District Court Summons No 2070 of 2025 (SUM 2070") to adduce further evidence at RA 19.

4 Separately, the defendant had applied after the AD for the payment of $89,391.90 to be returned by the plaintiff to him pursuant to O 29 r 17 of the Rules of Court 2014. The sum represents the balance of the interim payment of $100,000 made by the defendant in the course to proceedings, less the damages assessed. The application was dismissed by another deputy registrar. The defendant filed an appeal ("RA 32") against this decision.

5 The above RAs and SUM 2070 were argued before me. For the reasons below, I am dismissing RAs 19, 30 and 32; and allowing SUM 2070.

Issues to be determined

6 The claimant's dissatisfaction with the damages awarded by the DR is anchored on his case that the Accident aggravated his pre-existing degenerative conditions, in particular his spondylolisthesis and cervical spondylosis. The overarching issue before me is therefore whether the Accident aggravated the plaintiff's pre-existing degenerative conditions. The determination of this issue will in turn inform the determination of the awards for the various heads of pain and suffering and the related claims for various expenses and loss of earnings.

Analysis and findings

7 At the outset, I am mindful that an appeal from a deputy registrar to a district judge is a rehearing of the application which led to the order under appeal. A district judge hearing a matter first heard by the registrar is not exercising appellate jurisdiction, but rehearing the matter and exercising a form of confirmatory jurisdiction.[1] The appeal is to be decided as though the matter came before him for the first time: see *Tan Boon Heng v Lau Pang Cheng David* [2013] 4 SLR 718, ("*Tan Boon Heng")* at [22]. Arguments which were not raised before may properly be considered by the judge in chambers on appeal.[2] Where the deputy registrar's findings of fact are based solely on affidavit or documentary evidence, a judge in chambers will have little difficulty in deciding the matter afresh as he will have all the necessary evidence, materials and information before him, and the judge is in as good a position as the deputy registrar to exercise the discretion afforded to him: *Tan Boon Heng* at [44].[3]

8 I begin the analysis of this case with the undisputed facts. It is not disputed that the plaintiff started working life at the age of 10. From the age of 15 he has been carrying out work relating to the installation and maintenance of air-conditioning systems. The nature of his work was physically strenuous, involving the cleaning, installation and dismantling of air-conditioning units.

9 The Accident occurred on 26 May 2010 when the plaintiff, then aged 39, was driving a van that was collided into at the rear by a bus driven by the defendant. Following the Accident, the plaintiff attended at the emergency

---

1 *Augustine Zacharia Norman and another v Goh Siam Yong* [1992] 1 SLR(R) 746 at [11].

2 Tan Boon Heng at [22].

3 Tan Boon Heng at [44].

department of Tan Tock Seng Hospital and presented with neck pain and right flank tenderness. He was discharged on the same day with analgesic medication and granted medical leave.

10 It is of pertinence to note that it is not disputed that prior to the Accident, the plaintiff was already afflicted with multiple degenerative spinal conditions, including cervical spondylosis at the C5/6 vertebrae, a pars defect with spondylolisthesis at the L5/S1 vertebrae, facet and ligamentum flavum hypertrophy at L5/S1, diffuse posterior disc bulge at L5/S1, and mild posterior central disc protrusion at the L4/5 lumbar vertebrae.

11 The following events that took place after the Accident are also not disputed:[4]

Table 1

Date	**Event**
26.05.2010	The Accident took place.
29.06.2011	The plaintiff filed a claim against the defendant in the High Court.
27.07.2011	The plaintiff underwent a spinal fusion surgery (the "Fusion Surgery").

[4] Para 8 of DR's judgment.

Date	Event
29.08.2011	An MRI revealed that an intervertebral fusion cage had dislodged (the "Cage Migration").
06.10.2011	The plaintiff was a passenger in a car collision (the "2011 Accident"), resulting in difficulty breathing, anxiety and nausea.
11.10.2011	The plaintiff underwent revision surgery to remove the dislodged cage and insert a bone graft (the "Revision Surgery").
09.11.2011	The plaintiff began consulting Dr Marcus Tan, a psychiatrist with the National University of Singapore.
07.01.2012	The plaintiff's van collided with a pickup, resulting in anxiety and diarrhea.
02.04.2012	The plaintiff was diagnosed with major depressive disorder ("MDD") and post-traumatic stress disorder ("PTSD").
30.07.2014	Interlocutory judgment entered by consent for the plaintiff against the defendant at 95% in respect of the Accident.

Date	Event
29.02.2016	Counsel filed a memorandum under s 23 of the State Courts Act (2007), agreeing for the court to hear and determine the claim despite exceeding the District Court's $250,000 jurisdictional limit.
18.06.2021	The plaintiff was diagnosed with Stage 4 pancreatic cancer.

12 These events are of some significance to the question of assessment of damages. It will be noted from the above that the plaintiff was involved two more traffic accidents before interlocutory judgment in the present case was entered in 2014. Further, the plaintiff underwent spinal fusion surgery in July 2011. A month after that however, it was discovered that the fusion cage implanted during that surgery had dislodged, and the plaintiff had to undergo revision surgery to remove the dislodged cage and insert a bone graft.

13 The AD commenced only in 2024, with the plaintiff claiming nearly $3 million in damages.

14 After the lengthy AD hearing, the plaintiff scaled back his initial claim to $1,950,711.95. The defendant on the other hand says the proper quantum should be $8,756.85. The plaintiff claims the Accident caused a host of medical conditions, while the defendant contends it caused only three specific injuries: a chest contusion, a whiplash injury and two annular tears.

15 The damages as assessed by the DR are as follows:[5]

Table 2

Head of Claim	**Plaintiff's Position ($)**	**Defendant's Position ($)**	**DR's Award ($)**
Neck injury	24,000	5,000	5,000
Back injury	48,000	3,000	4,000
PTSD and MDD	48,000	0	0
Surgical scar	3,000	0	0
Chest contusion	1,500	1,000	1,000
Loss of earnings	921,000	0	0
Medical and transport expenses	162,981	217.74	1,166.42
Future medical and transport expenses	137,000	0	0
Loss of future earnings / Loss of earning capacity	707,900	0	0
Total	2,053,381	9,217.74	11,166.42
95%	1,950,711.95	8,756.85	10,608.10

[5] Para 5 of DR's judgment.

16 The reasons for the above awards have been set out in full in the DR's judgment. The DR's judgment, which is detailed and comprehensive, contains her thorough analysis of the evidence. I agree with her analysis and will make reference to them, but do not propose to repeat them in this judgment.

The sums awarded for pain and suffering are not unreasonable

The plaintiff overstated the seriousness of the Accident

17 I note at the outset that in appealing against the quantum of damages awarded by the DR, the plaintiff appears to put great store by his view of the seriousness of the Accident. I set out the following portion of the plaintiff's written submissions dated 12 February 2026 as an illustration:[6]

> Andy is a major casualty of a serious 3-vehicle collision caused by D's negligence. Besides Andy, the Front Car driver and Andy's passenger were also injured. Andy's stationary Van was caught in the middle of the pile-up. The traffic police reports of Andy, D and the Front Car Driver record the Van and Bus as "Seriously Damaged". Photographs show the Van's entire rear portion was crumpled from top to bottom and the rear windscreen was missing, and the Bus's front windscreen shattered with substantial frontal damage. As the independent Front Car driver's Traffic Police report describes, "Suddenly, a SMRT bus… hit onto the van. The van's rear windscreen was shattered and the bumper was seriously dented. The bus windscreen was also shattered." Being contemporaneous and from a neutral party, this document has high probative value.

18 In my view, this is misguided. First, the question before me is not how serious the Accident was. The question before me is how serious the plaintiff's injuries were as a result of the Accident. Second, it is not clear to me what is the plaintiff's definition of a serious accident. It is clearly not a term of art. The plaintiff does not offer a scale of degree of seriousness for reference and does not suggest at which point of this scale he would place the Accident. Third, as

---

6 Para 3 of the plaintiff's written submissions dated 12 February 2026.

seen in the plaintiff's description of the Accident in the passage above, if shattered windscreens and dented bumpers are indicia of a serious accident, the question arises as to how the plaintiff would characterise accidents involving damage to other parts of a vehicle. It is not clear to me for instance what kind of damage to the bonnet, boot or the doors of a vehicle would the plaintiff consider as depicting a serious collision. Four, the plaintiff was driving a van when it sustained a collision from the rear by a bus driven by the defendant. It is not disputed that he attended at the emergency department of Tan Tock Seng Hospital and presented with neck pain and right flank tenderness. It is also not disputed that he was discharged on the same day with nothing more than analgesic medication and granted medical leave. I am not certain to what extent this comports with the plaintiff's characterisation of him being "a major casualty of a serious 3-vehicle collision". All this is to say that the plaintiff's approach does not assist me at all in deciding his appeal against the quantum of damages awarded for the injuries he suffered.

The plaintiff's evidence was unreliable

19 Another key plank of the plaintiff's case for his appeal against the damages awarded is that the DR has erred in her finding that the plaintiff's evidence was not reliable.[7] In this regard, I note that the DR had taken great care in detailing the external and internal inconsistencies of the plaintiff's evidence in her judgment.[8] As noted by the defendant, the DR had also set out other reasons for her finding as to why the plaintiff was not credible.[9] In particular, the plaintiff's selective act of seeking treatment from a private specialist despite his bankruptcy from 1999 to 2013 for conditions which he could possibly link

---

7 Para 3 of the plaintiff's written submissions dated 12 February 2026.

8 Paras 36-41 of DR's judgment.

9 Paras 42-54 of DR's judgment.

to the Accident, but opting for treatment from a public hospital for his life-threatening stage four cancer.[10]

20 I also agree with the DR that it is troubling that *after* filing his claim in 2011, the plaintiff amended his notices of assessment ("NOA") for financial years 2008 and 2009, to show that he was earning substantial income *before* the Accident.[11] For financial year 2008, the plaintiff amended the NOA to report additional trade income in the amount of $17,180, bringing his total reported income to $39,483. As for financial year 2009, the plaintiff had originally reported no income but amended it to report total income of $45,060. As a comparison, the plaintiff's reported income for the two years before that was $12,000 (2006) and $15,683 (2007). In other words, with his *ex post facto* amendment after the filing of the present claim, the plaintiff had inexplicably almost trebled his past income. For the following two financial years, 2011-2012, which was reported after the filing of the present claim, the plaintiff likewise reported hefty employment income of $45,300 and $43,000 respectively. The DR rightly found that in view of the absence of CPF contributions, the plaintiff has falsified financial evidence by adding non-existent employment income.[12] The figures referred to above are set out in the following table:

Table 3

Financial Year	**Original / Amended NOA**	**Employment Income ($)**	**Trade Income ($)**	**Total Income ($)**
2006	Original	12,000	0	12,000
2007	Original	15,683	0	15,683

[10] Para 48 of DR's judgment.

[11] Para 49 of DR's judgment.

[12] Paras 100 to 102 of DR's judgment.

Financial Year	Original / Amended NOA	Employment Income ($)	Trade Income ($)	Total Income ($)
2008	Amended	22,303	17,180	39,483
2009	Amended	35,680	9,380	45,060
2010	Original	45,300	0	45,300
2011	Original	43,000	0	43,000
2012	Original	0	0	0

21 In my view, the DR's finding that the plaintiff's evidence was not reliable is founded on sound and detailed reasoning, and I have no basis to find otherwise.

No evidence the Accident aggravated plaintiff's pre-existing degenerative conditions

22 I turn to the central issue in the present case, which is the question of whether the Accident aggravated the plaintiff's pre-existing degenerative conditions. I start with the plaintiff contention that the Accident aggravated his pre-existing cervical spondylosis. The evidence shows that the Accident caused the plaintiff immediate neck tenderness that resolved over subsequent months. A set of symptoms then emerged nearly two years later, in March 2012. The plaintiff complained of mild pain and numbness in his neck that radiated down his right trapezius and right arm (the "radicular symptoms"). The plaintiff seeks $24,000 for two injuries: a) Grade 1 whiplash injury; and b) aggravation of his pre-existing cervical spondylosis. The defendant on the other hand contends $5,000 sufficiently compensates the whiplash injury.

23 Three orthopaedic specialists provided expert evidence on the plaintiff's neck and back pain. They are Dr Benedict Peng Chan Wearn ("Dr Peng") and Dr S R E Sayampanathan ("Dr Nathan") for the plaintiff, and Dr Chang Haw

Chong ("Dr Chang") for the defendant. They had previously examined or treated the plaintiff's neck and back ailments, and their expertise was accepted by both parties.

24 The DR noted that Dr Chang defined aggravation as progressive worsening and that he made two key observations. First, Dr Chang noted that the plaintiff's neck pain, present after the Accident, improved and resolved over subsequent months.[13] The improvement in the plaintiff's condition undercut any claim that the Accident caused aggravation, as true aggravation would show as worsening pain or other radicular symptoms within one to two weeks after the accident.[14]

25 Second, Dr Chang was of the view that the neck pain and radicular symptoms reported in March 2012 cannot reasonably be attributed to the Accident. His opinion was that accident-related symptoms, by their nature, develop within weeks, not years.[15] The two-year period after the Accident during which the plaintiff remained entirely symptom-free negated any causal link to the Accident.[16] Dr Chang observed that the plaintiff's neck tenderness indicated both whiplash and a temporary exacerbation of cervical spondylosis.[17] On that basis, DR Chang found no aggravation. In this regard, I agree with the DR that Dr Chang's opinion against a finding of aggravation was based on clear medical reasoning.

---

13 NE, 20 June 2024, 35; BOD Vol. I at 171 and 177; and BOD Vol. IV at 1463.

14 NE, 20 June 2024, 47.

15 NE, 20 June 2024, 42–47.

16 NE, 20 June 2024, 30, 40–45.

17 NE, 20 June 2024, 31–33.

26 Dr Peng and Dr Nathan on the other hand, was of the opinion that the Accident aggravated the plaintiff's pre-existing cervical spondylosis based on their belief that it fundamentally "changed" his body.[18] In other words, their reasoning was based on the assumption that the Accident permanently changed the plaintiff's body; and the neck pain and radicular symptoms represented a permanent change in the plaintiff's body, and thus aggravation. The DR found this reasoning to be circular, and it is plain to me that it is so. As seen, their assumption is that the Accident caused permanent changes to the plaintiff's body. Upon this assumption, they then ascribed the symptoms of change to the Accident.

27 The DR rightly questioned that if the Accident truly caused the symptoms, why would the symptoms appear only after a two-year gap, and only after the initial neck pain had completely resolved. In view of the foregoing, I find that the plaintiff has failed to prove on a balance of probabilities that the Accident aggravated his pre-existing cervical spondylosis. I therefore find the DR's award of $5,000 for both the whiplash injury and temporary exacerbation of cervical spondylosis to be reasonable. It is not disputed that the injury was a Grade 1 whiplash injury. The medical evidence is that both conditions are minor and manifested as neck tenderness that resolved within months.[19]

28 I turn next to the question of whether there is aggravation of the plaintiff's spondylolisthesis. The plaintiff seeks damages of $48,000 claiming the Accident caused annular tears and aggravated his pre-existing spondylolisthesis. While the defendant accepts responsibility for the annular

---

18 NE, 20 June 2024, 35–39, 48–49 and 51–53.

19 Agreed Bundle of Documents ("**BOD**") Vol. I at 171 and 177; BOD Vol. IV at 1463 and NE, 20 June 2024, 35.

tears, he disagrees that the Accident aggravated the plaintiff's pre-existing condition. In this regard, the DR found that the plaintiff had shown *prima facie* evidence of aggravation through the three experts. Dr Peng, Dr Chang and Dr Nathan indicated that the Accident caused an aggravation of his pre-existing spondylolisthesis. Their opinion ("the Opinion") however rested on four key premises:[20]

(a) the occurrence of the Accident;

(b) the plaintiff's asymptomatic condition before the Accident;

(c) the plaintiff's experience of back pain almost immediately afterwards; and

(d) the absence of other trauma or injury.

29 In this regard, I agree with the DR that all four of the premises must be in place for the Opinion to hold water. It fails if any one of the premises is disproved. In my view, a quick perusal of the premises as set out above will show that it is undisputable that all four of the premises must be in place to validate the Opinion. It is plain and obvious that it is so, and I do not see how it can be seriously argued otherwise. Further, it is clear to me that to hold that any one premise by itself could sustain the Opinion would necessarily lead to an absurd outcome.

30 The DR proceeded accordingly on the footing that disproving any single premise would invalidate the Opinion. On the basis of that approach, the DR found that the Opinion could not be upheld as the defendant has demonstrated the following:

---

[20] Para 29 of the DR's judgment.

(a) The absence of credible evidence that the plaintiff experienced back pain in the immediate aftermath of the Accident.

(b) The presence of alternative natural and occupational causes that explained any subsequent aggravation of his pre-existing spondylolisthesis.[21]

31 Based on the documentary evidence adduced before the DR, the DR noted that there was an absence of back-related complaints for fourteen days between 26 May 2010 (the day on which the Accident took place) and 09 June 2010, the plaintiff's first consultation with Island Orthopaedic Consultants. This is coupled with evidence which showed that the plaintiff immediately resumed physically demanding work after the Accident until the Fusion Surgery in July 2011. The DR has set out her analysis leading to her findings above succinctly in her judgment,[22] and I do not propose to reproduce it here. I would add that the DR has also made the finding that there were two alternative causes for any aggravation of the plaintiff's pre-existing spondylolisthesis: a) natural degeneration; and b) heavy work duties.[23]

32 Contrary to the plaintiff's assertion, the DR in arriving at her finding was wholly entitled not to accept the opinion of the experts. The plaintiff's criticism of the DR for misapplying *Eu Lim Hoklai v PP* [2011] 3 SLR 167 ("*Eu Lim Hoklai*") is unfounded.[24] The plaintiff asserted that the DR erred in her treatment of the orthopaedic expert evidence because she ignored the "core principle" that "courts apply the usual fact-finding methods only where the

---

21 NE, 20 June 2024, 75–76, 108–109.

22 Paras 35-41 of DR's judgment.

23 Para 52 of DR's judgment.

24 Para 12 of plaintiff's reply submissions dated 6 March 2026.

scientific evidence fails to provide a precise answer." The plaintiff relies on *Eu Lim Hoklai* at [44] in making this contention. This is in fact not so. The key holding in *Eu Lim Hoklai* is that experts are in court only to assist the judge. As pointed out by the DR, the judge must evaluate the full spectrum of evidence to determine both the validity of expert opinion and the material issues. The Court of Appeal stated in *Eu Lim Hoklai*") at [44] as such:

> 44 … Ultimately, all questions – whether of law or of fact – placed before a court are intended to be adjudicated and decided by a judge and not by experts. An expert or scientific witness is there only to assist the court in arriving at its decision; he or she is not there to arrogate the court's functions to himself or herself (see the observations of Winslow J in *Ong Chan Tow* ***v*** *Regina* [1963] MLJ 160 at 162). …

33 As seen, it is not so that courts apply the usual fact-finding methods only where the scientific evidence fails to provide a precise answer. All questions, whether of law or of fact placed before a court are intended to be decided by a judge and experts are there only to assist the court in arriving at its decision. The experts cannot arrogate the court's functions to themselves.

34 In the present case, as the defendant has successfully discharged his evidentiary burden by showing that not all four premises of the Opinion on aggravation were fulfilled, the evidentiary burden shifts back to the plaintiff. In this regard, I note that the DR has applied correctly the approach to determining whether a party has discharged its burden of proof as laid down in *Britestone Pte Ltd v Smith & Associates Far East, Ltd* [2007] 4 SLR(R) 855 ("*Britestone*") at [59]-[60]. The DR has taken great care in analysing the shifting of the evidentiary burden in relation to the question of spondylolisthesis aggravation in her judgment.[25] She rightly found that the plaintiff has failed to discharge his evidentiary burden by adducing rebuttal evidence. The plaintiff did not produce

[25] Paras 27-35 of the DR's judgement.

any credible evidence that he experienced back pain immediately after the Accident. The plaintiff has also not been able to rebut the presence of alternative natural and occupational causes that explain any subsequent aggravation of the plaintiff's pre-existing spondylolisthesis. I therefore find that the plaintiff has failed to prove on a balance of probabilities that the Accident aggravated his pre-existing spondylolisthesis.

35 As the DR found no basis to award any damages for spondylolisthesis aggravation, she awarded $4,000 for the back injury, being the annular tears and the resultant right flank tenderness. In my view, the award is fair and I find no reason to disagree.

36 I turn to the claim for the surgical scar. The claim is dependent on the finding of whether the Accident caused the plaintiff to require the Fusion Surgery and subsequently, the Revision Surgery. Whether the Accident caused the need for the Fusion Surgery in turn depends on the question of whether the Accident aggravated the plaintiff's pre-existing spondylolisthesis. As discussed above, the plaintiff has failed to prove that the Accident aggravated his pre-existing degenerative conditions. He has thus failed to establish any causal link between these surgeries and the Accident. The DR therefore rightly made the finding that the plaintiff cannot claim damages for the surgical scarring.

37 For the chest contusion, the DR had awarded the sum of $1,000 based on existing authorities. The DR rightly noted that the plaintiff did not present any evidence of prolonged symptoms or additional medical intervention. I see no reason to find the award of $1,000 to be inadequate.

No evidence the Accident caused psychiatric injuries

38 I turn next to the plaintiff's claim for psychiatric injuries. The plaintiff seeks damages of $48,000 for psychiatric injury, which the defendant disputes. It is undisputed that the plaintiff suffered from PTSD and MDD. However, he has failed to prove that the Accident caused these conditions. As noted by the DR, the evidence clearly shows that the plaintiff's psychiatric symptoms first emerged around the 2011 Accident, and not after the Accident as claimed. The medical records undermined the plaintiff's account of experiencing psychiatric symptoms immediately after the Accident. There is no evidence that any doctor who treated the plaintiff for the Accident identified the need for psychiatric intervention.

39 In this regard, the DR found that the plaintiff's entire case for psychiatric injuries is based on the psychiatrists' joint statement. In this statement, three psychiatrists, Dr Marcus Tan, Dr Cecilia Kwok and Dr Lim Yun Chin, attributed Andy's psychiatric conditions to the Accident. However, the DR found that the psychiatrists' joint statement did not provide any reason for the psychiatrists' conclusion. Whilst the plaintiff criticises the DR's finding, I note that there was in fact no reason given by the psychiatrists for their conclusion. I agree with the DR that she was entitled to reject the psychiatrists' joint statement on that basis. The DR had also found that the joint statement did not establish any causal link to the Accident.[26] As the plaintiff is aware,[27] the DR observed that the psychiatrists' joint statement was founded on the premise that the Accident caused injuries serious enough to require surgery. Since the DR had (correctly) made the finding that the Accident did not aggravate the plaintiff's pre-existing

---

26 Para 74 of the DR's judgment.

27 Para 18 of the plaintiff's further submissions dated 12 February 2026.

degenerative conditions and thus was not the cause for the Fusion Surgery, the DR was entitled to reject the basis of the psychiatrists' joint statement. The DR also rejected the other basis for the psychiatrists' joint statement, that the psychiatric symptoms appeared after the Accident. She had found that the evidence showed the plaintiff's psychiatric symptoms first emerged around the 2011 Accident, and not after the Accident. I similarly find that the DR was entitled to reject this basis of the psychiatrists' joint statement.

40 As discussed above, the court must evaluate the full spectrum of evidence to determine both the validity of expert opinion and the material issues. The court is entitled to reject expert opinion on the basis of the totality of the evidence. As noted above, all questions, whether of law or of fact placed before a court are intended to be adjudicated and decided by a judge and an expert is there only to assist the court in arriving at its decision. In the present case, I commend the DR for not allowing the experts to arrogate to themselves her fact-finding function.

41 Separately, it appears to me that the plaintiff has also conflated the question of whether he suffered psychiatric injuries with the question of whether those injuries were caused by the Accident.[28] The DR's analysis is focused on the second question, and she found no evidence that the psychiatric symptoms were caused by the Accident.

42 I also note that the DR has correctly applied the approach as laid down in *Britestone* in determining whether a party has discharged its burden of proof. The defendant has discharged his evidentiary burden by showing the psychiatrists' joint statement cannot be relied on. The evidentiary burden is

---

[28] Paras 19-21 of the plaintiff's further submissions dated 12 February 2026.

shifted back to the plaintiff. The plaintiff failed to discharge this burden. I therefore find that the plaintiff has failed on a balance of probabilities to prove that the Accident was the cause of his psychiatric conditions.

No basis to award any loss of earnings

43 I turn now to the claims for various expenses and loss of earnings. The plaintiff seeks $921,000 for pre-trial loss of earnings for the period from the Fusion Surgery (27 July 2011) to the first hearing of the AD (26 August 2022). The DR agreed with the defendant that no damages should be awarded due to lack of credible supporting evidence. It is trite that pre-trial loss of earnings is to compensate plaintiffs for losses actually incurred before the assessment hearing: *Yap Boon Fong Yvonne v Wong Kok Mun Alvin and another and another appeal* [2019] 1 SLR 230 at [41].

44 The DR found that by the plaintiff's own case, his earnings increased after the Accident.[29] There was thus no actual loss of earnings. The DR also found that when issued a three-day outpatient medical certificate for neck and right flank tenderness after the Accident, the plaintiff returned to work immediately without taking the medical leave. Payment receipts and job schedules showed his uninterrupted employment in the air-conditioning industry until the Fusion Surgery on 27 July 2011.[30] I agree with the DR that this militates against his claim for loss of earnings after the Accident.

45 As for loss of earnings after the Fusion Surgery, the plaintiff did not show the nexus between the Accident and his claim for loss of earnings after the Fusion Surgery. As discussed above, the plaintiff has failed to establish any

---

29 NE, 11 September 2024, 56.

30 NE, 19 June 2024, 25 and BOD Vol. II at 1138–1162.

causal link between the Fusion Surgery and the Accident. With this being the case, there is no basis for the plaintiff to link any loss of earnings post the Fusion Surgery to the Accident. I agree with the DR that the plaintiff should not be awarded any loss of past earnings.

46 As for loss of future earnings, the plaintiff claims the sum of $707,900. The measure of loss of future earnings is the difference between pre-accident and post-accident earnings. In this regard, as discussed above, it is troubling that *after* filing his claim in 2011, the plaintiff amended his NOA for financial years 2008 and 2009, to show that he was earning substantial income before the Accident.[31] To re-cap, for financial year 2008, the plaintiff amended the NOA to report additional trade income in the amount of $17,180, bringing his total reported income to $39,483. As for financial year 2009, the plaintiff had originally reported no income but amended it to report total income of $45,060. As a comparison, the plaintiff's reported income for the two years before that was $12,000 (2006) and $15,683 (2007). In other words, with his *ex post facto* amendment after the filing of the present claim, the plaintiff had inexplicably almost trebled his income for the years immediately preceding the Accident.

47 Further, the employment income reported was not linked to any employer CPF contributions. The plaintiff claimed employment income from 2006 to 2012. The NOAs submitted for financial years 2006 to 2011 did not record any CPF contribution from employers.[32] The CPF statements for 2009 to 2012 confirmed the absence of CPF contributions,[33] whilst the CPF statements for 2007 to 2008 were never produced. In contrast, there is evidence of CPF

---

31 Para 49 of DR's judgment.

32 BOD Vol. II at 1188–1194.

33 BOD Vol. II at 1203–1206.

contribution from employer for 2019.[34] I agree with the DR that if the plaintiff had earned employment income from 2006 to 2011, both his NOAs and CPF statements would have shown employer CPF contributions.

48 Moreover, it appears that by the plaintiff's own case, his post-accident earnings exceeded his pre-accident income. As seen in Table 3 above, for the two financial years immediately after the Accident, which was reported by the plaintiff after the filing of the present claim, the plaintiff reported employment income of $45,300 and $43,000 respectively. This is compared to the employment income of $35,680 (total income of $45,060) as reported by the plaintiff (by way of amendment) for the year when the Accident took place. The report of increasing income after the Accident runs counter to his claim for loss of future earnings. I also note the contradictions in the income figures presented by the plaintiff across his NOAs, his AEIC, his claim made to the Ministry of Defence for reimbursement of income and his written submissions. These inconsistencies are detailed in the DR's judgment, and I do not propose to repeat them here.[35] Suffice it to say that they put the plaintiff in a poor light and are unhelpful to his case.

49 The plaintiff also claims, as an alternative, damages for loss of earning capacity ("LEC"). It is trite that LEC compensates for the risk or disadvantage which plaintiffs will face in securing an equivalent job in the employment market, should they lose their current position. I agree with the DR that the plaintiff has failed to show any impact of the injuries suffered by him in the Accident (chest contusion, whiplash injury and annular tears) on his earning capacity or competitive position. There is no basis for a claim for LEC.

---

34 BOD Vol. II at 1197 and 1213–1214.

35 Paras 106-109 of the DR's judgment.

The awards for medical and transport expenses are reasonable

50 Moving on to the claims for expenses, the plaintiff seeks $137,000 for future medical and transport expenses. I have made the finding above that the plaintiff has failed to prove that the Accident aggravated his pre-existing degenerative conditions. There is also no evidence that the psychiatric symptoms were caused by the Accident. There is therefore no link between the Accident and any future medical or other expenses connected to the treatment of these conditions and symptoms. The injuries caused by the Accident were a whiplash injury, a chest contusion and annular tears. There is no evidence of disabilities caused by these injuries. The DR has correctly disallowed the claim for future medical and transport expenses.

51 The plaintiff also claims $157,521 for pre-trial medical expenses and $5,460 for pre-trial transport expenses. It follows from the discussion above that only medical and transport expenses connected to the injuries caused by the Accident are allowed. The DR found that expenses totalling $1,166.42 are causally connected to the chest contusion, whiplash injury and annular tears caused by the Accident. I see no reason to find otherwise or to disagree with the DR in her award.

No basis for the appeal against the order for costs and interest

52 I turn now to the plaintiff's appeal against the order for costs and interest.

53 The following events relating to offers made by the defendant to settle the action are not disputed. The defendant made an interim payment of $100,000 to the plaintiff on 26 July 2012. On 1 November 2018, the defendant extended a without prejudice offer in the global sum of $66,500 for damages (including

interest), plus costs and reasonable disbursements, in full and final settlement of the plaintiff's claim (the "Calderbank offer"). The plaintiff declined the Calderbank offer. On 26 August 2022, the defendant made an offer to settle ("OTS") under O 22A r 1 of the Rules of Court 2014, proposing $250,000 for damages (including interest), plus costs and reasonable disbursements. The plaintiff rejected this offer. On 23 April 2025, the Court assessed damages at $10,608.10.

54 The material portions of the DR's costs and interest order are as follows:

(a) For the period between the filing of writ and the Calderbank offer (1 November 2018), the defendant shall pay the plaintiff's costs on a standard basis on the Magistrate's Court's scale, fixed at $6,000 plus GST and reasonable disbursements.

(b) For the period between the Calderbank offer (1 November 2018) and judgment (23 April 2025), the plaintiff shall pay the defendant's costs on an indemnity basis on the High Court scale, fixed at $90,000 plus GST and reasonable disbursements.

(c) No interest shall be payable by the defendant.

55 It is trite that indemnity costs may be order against parties who unreasonably reject settlement offers: *Calderbank v Calderbank* [1975] 3 All ER 333; *Ong & Ong Pte Ltd v Fairview Developments Pte Ltd* [2014] 2 SLR 1285; *SBS Transit Ltd v Koh Swee Ann* [2004] 3 SLR(R) 365. In the present case, the Calderbank offer exceeded the final judgment sum. There can also be no doubt that offer was a genuine attempt to resolve the case. There is therefore no reason why indemnity costs should not be ordered against the plaintiff for the period from the date of the Calderbank offer to final judgment.

56 The plaintiff contends that the DR ought not to have awarded the indemnity costs on the High Court scale. In my view, as the claimant's claim was for $1,950,711.95, costs payable by the claimant should be on the High Court scale despite the matter being heard in the State Courts. The proportionality principle is applicable to the assessment of costs: *Lin Jian Wei and another v Lim Eng Hock Peter* [2011] SGCA 2910 ("*Lin Jian Wei*") at [78]. The Court of Appeal in *Lin Jian Wei* held that the conduct of litigation should be in a manner which bears some correlation to the amount or nature of the claim and costs are to be awarded accordingly. The court is to assess the relative complexity of the matter, and the work that was reasonably required in the prevailing circumstances. In the present case, the plaintiff in proceeding with his claim for the quantum of $1,950,711.95 had brought into contention various issues and the attendant evidence, taking up the requisite time and effort of parties. The costs to be awarded against him must reflect the complexity he had introduced to the case in the pursuit of his claim. There is no reason why such costs should not be on the High Court scale.

57 As for the period from the filing of the writ to the Calderbank offer, I agree that the defendant should pay costs on the Magistrate's Court scale at standard basis. This follows from the damages awarded of $10,608.10, which is well within the Magistrate's Court jurisdiction. I note that the sum of $6,000 awarded by the DR is in fact at the top end of the prescribed range of costs for claims up to $20,000 as set out in Rules of Court 2014, O 59, App 2, Pt IV.

58 As for interest, it is trite that the award of interest is a matter at the court's discretion: *Grains and Industrial Products Trading Pte Ltd* [2016] 3 SLR 1308 at [138]. In the computation of interest, interim payments should be deducted from general damages before calculating interest: *Quek Yen Fei Kenneth v Yeo Chye Huat* [2016] 3 SLR 1106 at [120]. In the present case, as the interim

payment of $100,000 made by the defendant well exceeded the final damages awarded, no interest is payable. The DR has therefore rightly declined to award any interest to the defendant.

The further evidence is admitted for purposes of the RAs

59 For completeness, I will now deal briefly with the application by the plaintiff to admit further evidence for purposes of RA 19. The plaintiff applied for leave in District Court Summons No 2070 of 2025 (SUM 2070") to adduce further evidence at the RAs of the following:

(a) The original NOA for years of assessment 2009 and 2010.

(b) Records of work schedules on work done for the air-conditioning companies, Best Air-Con Installation & Services, and Best Tech Air-Con Engineering Pte Ltd, for the period from around 15 June 2008 to 7 January 2010.

(c) Evidence as to the extent of damages caused to motor vehicle no GT 723J disclosed by the defendant's supplementary list of documents on 11 September 2013.

(d) A clarification report dated 3 September 2025 from Dr Ooi Lai Hock of Island Orthopaedic Consultants Pte Ltd.

60 The defendant objects only to the adduction of category (b) above. The defendant's complaint is that the claimant had steadfastly maintained that he did not have these documents, when specifically queried by the claimant in the course of proceedings leading to the AD. Yet, after the AD and just before the RAs, the same documents requested for were produced.

61 I turn first to the law. The legal principles in respect of an application to adduce further evidence in an appeal are well settled. The applicable test is laid down in *Ladd v Marshall* [1954] 1 WLR 1489 (the "*Ladd v Marshall* test").[36]

62 Under the *Ladd v Marshall* test, if the further evidence does not relate to matters occurring after the date of the decision appealed against, the applicant must show special grounds warranting the admission of further evidence. The Court of Appeal of Singapore in *COD v COE* [2023] SGCA 29 elaborated on the approach to the admission of further evidence that was already available before the hearing at the lower court. The Court of Appeal stated as follows at [37]:

> 37 As provided for in s 59(4) of the SCJA 1969 read with O 19 r 7(7) of the ROC 2021, should the Further Evidence not relate to matters occurring after the date of the decision appealed against, then an applicant must show *special grounds* warranting the admission of further evidence in an appeal by satisfying the three cumulative conditions in the *Ladd v Marshall* test (see *BNX v BOE* at [74]; *Anan Group (Singapore) Pte Ltd v VTB Bank (Public Joint Stock Co)* [2019] 2 SLR 341 at [21]), *ie*, that:
>
> (a) the evidence could not have been obtained with reasonable diligence for use in the lower court;
>
> (b) the evidence would probably have an important influence on the result of the case, although it need not be decisive; and
>
> (c) the evidence must be apparently credible, although it need not be incontrovertible.
>
> [emphasis in original]

63 Hence, the Court of Appeal was of the view that if the further evidence did not become available only after the date of the decision appealed against, the following conditions are to be satisfied:

---

[36] I have the occasion to discuss the law relating to the adduction of further evidence in an appeal in a recent judgment: see *JFE v JFF* [2026] SGDC 97.

(a) the evidence could not have been obtained with reasonable diligence;

(b) the evidence would probably have an important influence on the result of the case, although it need not be decisive; and

(c) the evidence must be apparently credible, although it need not be incontrovertible.

64 If, however, the further evidence became available only after the date of the decision appealed against, then the court should instead apply a modified version of the *Ladd v Marshall* test. The was also elaborated on in *COD v COE* [2023] SGCA 29, at [38] as follows:

> However, if the Further Evidence relates to matters occurring after the date of the decision appealed against, s 59(5) of the SCJA 1969 provides that the evidence "may be given to the Court of Appeal without permission" and O 19 r 7 of the ROC 2021 provides that it is exempt from the requirement that further evidence may not be given except on special grounds. The court should hence apply the *Ladd v Marshall* Modified Test (see *BNX v BOE* at [97] to [99]) which entails the following:
>
> > (a) to ascertain what the relevant matters are, of which evidence is sought to be given, and ensure that these are matters that occurred after the trial or hearing below;
> >
> > (b) to satisfy itself that the evidence of these matters is at least potentially material to the issues in the appeal; and
> >
> > (c) to satisfy itself that the material at least appears to be credible.
>
> …

65 As seen, the court in this scenario is to take the following steps under the *Ladd v Marshall* Modified Test:

(a) ascertain what the relevant matters are, of which evidence is sought to be given, and ensure that these are matters that occurred after the trial or hearing below;

(b) satisfy itself that the evidence of these matters is at least potentially material to the issues in the appeal; and

(c) satisfy itself that the material at least appears to be credible.

66 The *Ladd v Marshall* tests discussed above can be broadly characterised as the three requirements of non-availability, relevance and credibility.

67 It is of pertinence to note however that in *Anan Group (Singapore) Pte Ltd v VTB Bank (Public Joint Stock Co)* [2019] 2 SLR 341 ("*Anan Group*"), the Court of Appeal held that the court is not obliged to strictly apply *Ladd v Marshall* in the context of an interlocutory appeal. The Court of Appeal stated as follows at [35]:

> 35 It is apparent from the foregoing that whether or not an appeal is against a "judgment after a trial or hearing of any cause or matter upon the merits" does not necessarily determine the applicability or otherwise of *Ladd v Marshall*. Rather, consistent with the summary in *Park Regis* which this court endorsed in *ARW* ([21] *supra*) at [100], the cases should be analysed as lying on a spectrum. On one end of the spectrum, where it is clear that the appeal is against a judgment after a trial or a hearing having the full characteristics of a trial (ie, which involves extensive taking of evidence and particularly oral evidence), then it is clear that *Ladd v Marshall* should be generally applied in its full rigour. On the other end of the spectrum, where the hearing was not upon the merits at all, such as in the case of interlocutory appeals, then *Ladd v Marshall* serves as a guideline which the court is entitled but not obliged to refer to in the exercise of its unfettered discretion. For all other cases falling in the middle of the spectrum, which would include appeals against a judgment after a hearing of the merits but which did not bear the characteristics of a trial, then it is for the court to determine the extent to which the first condition of *Ladd v Marshall ie*, criterion of non-availability

> should be applied strictly, having regard to the nature of the proceedings below. In this regard, relevant (non-exhaustive) factors would include: (a) the extent to which evidence, both documentary and oral, was adduced for the purposes of the hearing; (b) the extent to which parties had the opportunities to revisit and refine their cases before the hearing; and (c) the finality of the proceedings in disposing of the dispute between the parties.

68 In other words, it is for the court to determine the extent to which the first step of the *Ladd v Marshall* test of non-availability should be applied strictly, depending on the nature of the proceedings below. The Court of Appeal made it clear that where the hearing was not upon the merits at all, such as in the case of interlocutory appeals, then *Ladd v Marshall* serves as a guideline which the court is entitled but not obliged to refer to in the exercise of its unfettered discretion.

69 Finally, as pointed out by the defendant, the Court of Appeal has held that the judge hearing a registrar's appeal exercises confirmatory, rather than appellate, jurisdiction and rehears the case afresh. The judge is entitled to exercise an unfettered discretion, including on the admissibility of fresh evidence. The Court of Appeal stated as follows in *Lassiter Ann Masters v To Keng Lam (alias Toh Jeanette)* ("*Lassiter*") [2004] 2 SLR(R) 392 at [10]:

> 10 It would be expedient if we first deal with the question of whether *Ladd v Marshall* applies to an appeal from the Registrar's decision. It is settled law that when a judge in chambers hears an appeal from a decision of the Registrar, the judge is not exercising an appellate jurisdiction but a confirmatory jurisdiction. In such an appeal, there is a rehearing before the judge and he is entitled to exercise an unfettered discretion of his own. In *Herbs and Spices Trading Post Pte Ltd v Deo Silver (Pte) Ltd* [1990] 2 SLR(R) 685 ("*Herbs and Spices*"), Chan Sek Keong J (as he then was) said at [12]:
>
> > … In such appeals, the judge-in-chambers is not exercising 'appellate' jurisdiction in the same sense when [he] hears appeals from the District Court. This view is consistent with the rule that an appeal from the Registrar of the High Court to the judge-in-chambers is

> by way of an actual rehearing of the application and the judge treats the matter afresh as though it came before him the first time, and the practice of allowing fresh affidavit evidence in such appeals.

70 It is seen that in a registrar's appeal, the judge treats the matter afresh as though it came before him the first time, with the practice of allowing fresh affidavit evidence in such appeals. However, in the context of an appeal from the assessment of damages by the registrar, the Court of Appeal cautioned that it is not suggesting that a party should be free to bring in fresh evidence as he pleases. The Court of Appeal stated as follows at [24]-[26]:

> 24 Having said that, and for the reasons set out in [20], we are far from suggesting that a party should be free to bring in fresh evidence as he pleases. The discretion rests with the judge. Reasonable conditions must be set. The first condition under *Ladd v Marshall* is a very stringent one – it must be shown that the new evidence could not have been obtained with reasonable diligence at the trial. Any sort of judgmental error would not be sufficient to meet this condition. However, for the reasons given in the previous paragraph, the imposition of the same stringent requirement on an appeal from an assessment by the Registrar to the judge would not be appropriate. The judge should be given a wider discretion in the matter. But this is not to say that the discretion ought to be exercised liberally. Sufficiently strong reasons must be shown why the new evidence was not adduced at the assessment before the Registrar.
>
> 25 The next question to ask is whether the second and third conditions in *Ladd v Marshall*, namely, that the evidence must be such that, if given, it would probably have an important influence on the result of the case and that it must be apparently credible though it need not be incontrovertible, are in any way relevant. To our mind, these two conditions are eminently reasonable ones. If the new evidence sought to be admitted cannot satisfy the two conditions, what would be the point of admitting the evidence? It would be meaningless to do so.
>
> 26 Accordingly, to the extent that the judge below held that all the conditions in *Ladd v Marshall* applied to the present case, we would, with the utmost respect, differ from that view. On the other hand, we would reiterate that it is also wrong to think that a party appealing against a Registrar's award following an assessment is freely entitled to introduce fresh

> evidence before the judge. The discretion to admit such evidence is with the judge who should exercise it subject to the conditions we mentioned above. In passing, we would add that we do not see any reason why these conditions should not also apply to other similar proceedings conducted by the Registrar, such as the taking of accounts or the making of inquiries.

71 It is seen that the Court of Appeal mandated a balanced approach. Whilst the imposition of the same stringent requirement of the *Ladd v Marshall* test on an appeal from an assessment by the registrar to the judge would not be appropriate and the judge should be given a wider discretion; it does not mean that the discretion ought to be exercised liberally. There must still be sufficiently strong reasons why the new evidence was not adduced at the assessment before the registrar. In other words, whilst the second and third requirement, that of relevance and credibility respectively remain applicable, wider discretion is given to the court as regards the first requirement of non-availability.

72 Applying the foregoing to category (b) under SUM 2070 comprising the records of the plaintiff's work schedules, it is noted first that it is undisputed the documents were available before, but were not produced for the AD. The question that arises is thus whether they should be admitted for the RAs when they ought properly to have been placed before the DR when she conducted the AD. Taking reference from the guidance laid down by the Court of Appeal in *Lassiter*, I have a wider discretion as regards the first requirement under the *Ladd v Marshall* test of non-availability in an RA arising from an AD. In this regard, I am satisfied that there are sufficiently strong reasons why these documents were not adduced at the assessment before the DR. It appears to me that these reasons concerned an oversight on the part of both the plaintiff and his previous solicitors. Be that as it may, I exercise the discretion conferred on me to admit these documents for purposes of the RAs.

The balance of the interim payment is to be returned

73 I turn finally to RA 32. Given my decision on RAs 19 & 30 above, RA 32 can be dealt with briefly. To re-cap, the defendant has applied for the payment of $89.391.90 to be returned by the defendant to the plaintiff pursuant to O 29 r 17 of Rules of Court 2014. The sum represents the balance of the interim payment of $100,000 made by the defendant in the course to proceedings, less the damages assessed by the DR. Under O 29 r 17, "the Court may, in *giving or making a final judgment or order* … make such order with respect to the interim payment as may be just." [emphasis added]

74 The DR released her AD decision on 23 April 2025. On 24 April 2025, the defendant wrote to the plaintiff to demand for the excess payment of $89,391.90 by 30 April 2025 (within seven days of the decision). It is not disputed that there was no response to the defendant's demand for repayment. Unfortunately, the defendant then proceeded to agree to the perfection of the judgment as pronounced by the DR, without reflecting the repayment of the excess the interim payment made. After the perfection of the judgment, the defendant applied to court for the plaintiff to repay the excess amount. The application was heard by a different deputy registrar. The plaintiff resisted the application, and the learned deputy registrar disallowed the application and ordered costs against the defendant.

75 In my view, the learned deputy registrar has rightly disallowed the application. It is clear beyond peradventure that on the plain reading of Order 29 r 17 the repayment of any interim payment has to be ordered *before* the perfection of the judgment. Support for this position can also be found in *P&P Engineering & Construction Pte Ltd v Kori Construction (S) Pte Ltd* [2019] SGHCR 10, although that decision was centred on the question of the exercise

of the court's power under the Supreme Court Judicature Act, First Schedule, para 15. What the defendant ought to have done in the present case was to have simply included the repayment by the plaintiff of the excess interim payment in the judgment before its perfection. If needed, the defendant could have requested for a hearing before the DR who conducted the AD to apprise her of the interim payment, and apply for the necessary order for repayment. Instead, after having made the demand of the plaintiff for the repayment, the defendant proceeded to agree to the perfection of the judgment without any order for repayment of the excess amount.

76 In the premises, I have no reason not to dismiss RA 32. However, it follows from my decision in respect of RAs 19 & 30 above that the excess payment of the sum of $89,391.90 is repayable by the plaintiff to the defendant. There is no basis for the plaintiff to retain the excess payment. I accordingly order its repayment to the defendant within seven days of this judgment.

Conclusion

77 Following from all of the foregoing, all the RAs are dismissed, and SUM 2070 is allowed.

78 I turn to the question of costs. The general principle is for costs to follow the event. The plaintiff is therefore to pay the costs of RAs 19 & 30, which are dismissed. RA 32, which is filed by the defendant, is dismissed as well. However, as noted above, there is no basis for the plaintiff to retain the excess payment in any event. I therefore order each party to bear their own costs in respect of RA 32. As regards SUM 2070, the usual order is for costs to be in the appeal. As I have found for the defendant in RAs 19 & 30, it follows that the defendant is to bear the costs of SUM 2070.

79 In regard to the quantum of costs, useful guidance is provided in the State Courts Practice Directions 2021, App H, Pt V. The relevant costs range provided is $1,200 to $7,000, in respect of a registrar's appeal from an assessment of damages. After considering the respective submissions on costs, the amount of work done, the time spent by parties, and the issues involved in the RAs, I fix global costs at $10,000 (inclusive of disbursements) to be paid by the plaintiff to the defendant. The costs orders below are to stand.

Chiah Kok Khun
District Judge

Ms Lew Chen Chen, Ms Iris Leong and Ms Isabella Tang
for the plaintiff;
Mr Anthony Wee and Mr Koh Keh Jang Fendrick
for the defendant.