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

District Judge Chiah Kok Khun
30 March 2026

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGDC 113

District Court Originating Claim No 1169 of 2025
District Court Summons No 2329 of 2025

Between

Cairnhill Law LLC

… *Claimant*

And

Royal's Engineering & Trading (S) Pte Ltd

… *Defendant*

EX TEMPORE JUDGMENT

[Contempt of Court – Civil contempt – Company failing to comply with monetary judgment – Company director failing to attend examination of enforcement respondent hearing – Whether failure to attend intentional – Whether company director's conduct contumelious – Whether contempt purged – Whether committal proceedings should be remedy of last resort – Section 4(1) Administration of Justice (Protection) Act 2016]

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Cairnhill Law LLC
v
Royal's Engineering & Trading (S) Pte Ltd

[2026] SGDC 113

District Court Originating Application No 1169 of 2025 (District Court Summons No 2329 of 2025)
District Judge Chiah Kok Khun
19, 30 March 2026

30 March 2026

District Judge Chiah Kok Khun:

Introduction

1 The claimant is a law firm that had previously acted for the defendant. The claimant rendered invoices for its fees there were disputed by the defendant. The claimant commenced action against the defendant for the invoices and obtained a judgment in default. The claimant then took out an order for examination of enforcement respondent ("EER") against the director of the defendant, Mr Manickam Nagarajan ("Naga").

2 This is an application by the claimant for a committal order to be issued against Naga. The application stems from the absence of Naga at the adjourned EER hearing on 29 October 2025, and his failure to furnish answers to the

questionnaire that EER examinees can fill up in lieu of the examination ("EER questionnaire"). For the reasons set out below, I am dismissing the application.

Issues to be determined

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

(a) Whether Naga had taken reasonable steps in regard to the EER process.

(b) Whether Naga's conduct was contumelious.

Analysis and findings

The legal principles

4 The starting place would be the statutory provisions found in the Administration of Justice (Protection) Act 2016 ("AJPA").

5 Section 4(1) of the AJPA provides as follows:

> **Contempt by disobedience of court order or undertaking, etc.**
>
> **4**. –(1) Any person who –
>
> (a) intentionally disobeys or breaches any judgment, decree, direction, order, writ or other process of a court; or
>
> (b) intentionally breaches any undertaking given to a court,
>
> commits a contempt of Court.
>
> …

6 It is seen that s 4(1) of the AJPA provides that any person who intentionally disobeys or breaches any judgment, decree, direction, order, writ

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or other process of a court commits a contempt of court. In other words, contempt of court is committed if there is intentional disobedience or breach of a judgment or order of court.

7 Section 21 of the AJPA should also be noted. It reads as follows

> **Honest and reasonable mistake**
>
> **21**. A person is not guilty of contempt of court under section 4(1), (2) or (3) if the person satisfies the court that the failure or refusal to comply with a judgment, order, decree, direction, writ or other process of court or any undertaking given to a court was wholly or substantially attributable to an honest and reasonable failure by that person, at the relevant time, to understand an obligation imposed on the person bound by the judgment, order, decree, direction, writ, process or undertaking and that that person ought fairly to be excused.

8 It is seen that if it can be shown that the person's failure to comply with the order was wholly or substantially attributable to an honest and reasonable failure to understand the obligation imposed by the order, that person ought fairly to be excused, and he will not be guilty of contempt.

9 It is also well established that to show that there has been a contempt of court, the complainant will need to show that in committing the act complained of or in omitting to comply with an order of court, the alleged contemnor had the necessary mental element. In the case of *PT Sandipala Arthaputra v STMicroelectronics Asia Pacific Pte Ltd and others* [2018] 4 SLR 828 at [46], the High Court set out a two-step approach to determine whether contempt has been committed:[1]

> 46 … The court will, in determining whether the alleged contemnor's conduct amounts to contempt of court, adopt a

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[1] I have the occasion in a previous judgment discussed the legal principles relating to contempt: see *BCH Hotel Investment Pte Ltd Trading as Intercontinental Singapore v Semtec Holdings Pte Ltd & anor* [2025] SGDC 195.

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two-step approach (*Monex Group (Singapore) Pte Ltd v E-Clearing (Singapore) Pte Ltd* [2012] 4 SLR 1169 ("*Monex Group*") at [31]:

> (a) First, the court will decide what exactly the order of court required the alleged contemnor to do. In determining what the order of court required, the court will interpret the plain meaning of the language used. It will resolve any ambiguity in favour of the person who had to comply with the order.
>
> (b) Second, the court will determine whether the requirements of the order of court have been fulfilled: *Monex Group* at [31]; *STX Corp* at [12] and [13]). To establish that there has been a contempt of court, the complainant will need to show that in committing the act complained of or omitting to comply with an order of court, the alleged contemnor had the necessary *mens rea*.
>
> 47 The threshold to establish the necessary *mens rea* for a finding of contempt of court is a low one: STX Corpat [8]; *Tan Beow Hiong v Tan Boon Aik* [2010] 4 SLR 870 ("*Tan Beow Hiong*") at [47]. It is only necessary for the complainant to show that the relevant conduct of the party alleged to be in breach of the order was intentional and that it knew of all the facts which made such conduct a breach of the order. This includes knowledge of the existence of the order and its material terms: *Mok Kah Hong v Zheng Zhuan Yao Groupat* 2016] 3 SLR 1 ("*Mok Kah Hong*") at [86]; *Monex Group* at [30]; *Pertamina Energy* at [51]; *Tan Beow Hiong* at [47].
>
> 48 To this end, it is not necessary for the complainant to show that the alleged contemnor appreciated that he was breaching the order. The motive or intention of the alleged contemnor and his reasons for disobedience are irrelevant to the issue of liability, and are relevant only to the question of mitigation. The liability is strict in the sense that all that is required to be proved is service of the order and the subsequent omission by the party to comply with the order: *STX Corp* at [8] and [9]; *Mok Kah Hong* at [86]; *Pertamina* at [51] and [53]–[62]; *Tan Beow Hiong* at [47].

10 As seen, not all failures to comply with court orders are deemed contemptuous. Whilst it is not necessary for the complainant to show that the alleged contemnor appreciated that he was breaching the order, the failure of

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the contemnor to comply with the court order in question must be intentional. The requisite *mens rea* for contempt must be proven. The Court of Appeal provided valuable guidance as regards what the requisite *mens rea* might look like. In *Mok Kah Hong v Zheng Zhuan Yao* [2016] 3 SLR 1 ("*Mok Kah Hong*") at [86], the Court of Appeal stated:

> 86 Secondly, as regards the issue of the requisite *mens rea* to establish contempt for disobedience of court orders, it is accepted that it is only necessary to prove that the relevant conduct of the party alleged to be in breach of the court order was intentional and that it knew of all the facts which made such conduct a breach of the order: *Pertamina Energy Trading Ltd* at [51]. …

11 Therefore, the breach by the alleged contemnor must be *intentional*. In other words, it is not to be approached in the same way as a strict liability offence, and any suggestion to the contrary is misplaced.

12 It should also be noted that the applicable standard of proof is that of the criminal standard of proof beyond reasonable doubt: The Court of Appeal stated in *Mok Kah Hong* at [85]:

> 85 First, it is well-established that the applicable standard of proof to both criminal and civil contempt is that of the criminal standard of proof beyond reasonable doubt: *Pertamina Energy Trading Ltd v Karaha Bodas Co LLC and others* [2007] 2 SLR(R) 518 ("*Pertamina Energy Trading Ltd*") at [31]–[32], citing *In re Bramblevale Ltd* [1970] Ch 128 at 137.

Naga had taken reasonable steps in regard to the EER process

13 With the above legal principles in mind, I turn to the present case. I start with the material facts relevant to the application. It began with the claimant obtaining a judgment against the defendant on 24 July 2025 in default of defence. On the same day, the defendant's solicitors wrote to the claimant for consent to set aside the default judgment and offered to pay costs for the setting

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aside. The claimant however declined to give consent. About a week later, on 1 August 2025 the claimant filed a summons against Naga for EER. On 4 August 2025 the defendant filed its application to set aside the default judgment.[2] The claimant in the meantime proceeded to extract the order for EER on 22 August 2025. The claimant also applied for substituted service of the order for EER on Naga, and it was served by on him by way of substituted service.

14 The EER took place on 10 October 2025. Naga attended the EER. Naga informed the deputy registrar ("DR") hearing the EER that he did not receive the EER questionnaire. He then provided his email address as directed by the DR. The DR adjourned the hearing to 29 Oct 2025 for the claimant to send the questionnaire to Naga by email. The DR also directed Naga to provide the answers to the EER questionnaire by 24 Oct 2025. Pausing here, it would be noted that this is not a case of an unresponsive enforcement respondent who does not show up at any EER. Naga turned up at the very first hearing of the EER.

15 After the first EER and just before the adjourned hearing on 29 October 2025, the defendant appointed the defendant's solicitors to act for Naga for purposes of the EER.[3] In view of the pending EER, the defendant's solicitors filed an application for a stay of execution of the default judgment pending the hearing of the setting aside of the judgment. This was filed on 28 October 2025. It is seen therefore that Naga took active steps in the face of the EER proceedings. He arranged for solicitors to act for him in respect of the EER and filed an application to stay the EER proceedings.

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2 See pp 13-14 of defendant's written submissions.

3 Para 25 of Naga's affidavit filed on 19 January 2026.

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16 On 29 October 2025, the solicitor for Naga attended the EER. He informed the court that a summons for stay of execution had been filed and thus sought an adjournment of the EER.[4] Naga had a medical appointment at Tan Tock Seng Hospital and was not able to attend the hearing. A certificate of attendance confirmed that Naga did attend at the medical appointment at the time of the adjourned EER on 29 Oct 2025.[5] The claimant however responded by asking the DR hearing the EER to suspend the EER, in order for the claimant to apply for committal proceedings against Naga.[6] It would be seen that the claimant's application would be on the basis of Naga's absence at the adjourned EER on 29 October 2025 and his failure to furnished the completed EER questionnaire.

17 Naga's case is that he did not anticipate that the claimant would take out a committal summons, as there was a setting aside summons pending in court and also a stay of enforcement proceedings. He had not at any time refused to provide any documents and information for the EER. His position was that the EER should proceed after the applications for stay of proceedings and for setting aside of the default judgment.[7]

18 As seen, whilst Naga was absent at the adjourned EER, he had appointed solicitors to attend and to address the court on his position. He also had a valid reason for not being in court. Naga contends that s 21 of the AJPA is applicable. As discussed above, under s 21, if it can be shown that the person's failure to comply with the order was wholly or substantially attributable to an honest and

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4 See pp 13-14 of defendant's written submissions.

5 P23 of Naga's affidavit filed on 19 January 2026.

6 NE of 29 October 2025.

7 Para 31 of Naga's affidavit filed on 19 January 2026.

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reasonable failure to understand the obligation imposed by the order, he will not be guilty of contempt. In this regard, I note the following in the present case:

(a) Whilst Naga was not present at the adjourned EER on 29 October 2025, he had appointed solicitors to attend the hearing.

(b) Whilst it did not comprise a certificate of unfitness to attend court, a certificate of attendance from Tan Tock Seng Hospital confirmed that Naga did attend at the medical appointment at the time of the adjourned EER on 29 Oct 2025.[8]

(c) There was a pending application to set aside the default judgment at the time of the adjourned EER on 29 October 2025.

(d) There was a pending application to stay execution proceedings at the time of the adjourned EER on 29 October 2025. The purpose of the stay application was to determine whether the court should proceed with the EER pending the hearing of the setting aside application.

(e) What was sought on behalf of Naga on 29 Oct 2025 was an adjournment of the EER pending the hearing of the above applications.

19 Naga submits that he had honestly believed that the EER would be adjourned pending the applications that had been taken out. Thus, his failure to attend court was wholly or substantially attributable to an honest and reasonable failure which ought to be excused by the court. In view of the matters I noted above, I find that there is at least a reasonable doubt raised that Naga had

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[8] P23 of Naga's affidavit filed on 19 January 2026.

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honestly believed that the EER on 29 Oct 2025 would be adjourned and his solicitors could attend on his behalf on 29 October 2025.

Naga's conduct was not contumelious

20 Further, in my view, Naga's conduct cannot be said to be contumelious. As discussed above, not all failures to comply with court orders are deemed contemptuous. The requisite *mens rea* for contempt must be proven. The breach by the alleged contemnor must be intentional. In the present case, it cannot be said that Naga deliberately chose not to comply with the order to attend the EER. He had taken reasonable steps in regard to the adjourned EER on 29 October 2025. As detailed above, he was fully engaged with the court proceedings relating to the EER. He attended the first EER, and had solicitors instructed to attend the adjourned EER and to file the necessary applications under the Rules of Court. There is no evidence that he was uncooperative or that he was evading the EER process.

21 The requisite *mens rea* for contempt is therefore not made out. As alluded to above, the applicable standard of proof in committal application is that of the criminal standard of proof beyond reasonable doubt. I find that the claimant has not proved beyond reasonable doubt that Naga was in contempt of court.

22 For completeness, I would add that it is pertinent to keep in mind the objective of EER. The EER process is for the purpose of obtaining the details of the financial state of a judgment debtor. The sole objective is to determine if the judgment debtor is able to satisfy the judgment debt, and if so, in what ways the judgment debt can be satisfied. In this regard, the claimant could have sought for a short adjournment at the adjourned EER on 29 Oct 2025 for Naga to

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furnish the completed EER questionnaire. In fact, Naga solicitor's sought such an adjournment at that EER. The claimant however, chose to suspend the EER and apply for committal proceedings.

23 As well for completeness, I would refer to the case of *Tay Kar Oon v Tahir* [2017] 2 SLR 342 (*"Tay Kar Oon*"). Although the decision concerned a case where contempt was made out and the Court of Appeal was considering the appropriate sentence, the Court of Appeal's approach is instructive. The Court of Appeal stated as follows at [55]:

> 55 In *Mok Kah Hong* ([29] *supra*), this court referred (at [104]) to the decision of Lawrence Collins J in *Crystal Mews Ltd v Metterick* [2006] EWHC 3087 (Ch), where Collins J identified (at [13]) a number of factors which would be relevant to the issue of sentencing. These factors included (a) whether the applicant had been prejudiced by virtue of the contempt and whether the contempt was capable of remedy; (b) the extent to which the contemnor acted under pressure; (c) whether the breach of the order was deliberate or unintentional; (d) the degree of culpability; (e) whether the contemnor had been placed in breach of the order by reason of the conduct of others; (f) whether the contemnor appreciated the seriousness of the deliberate breach; and (g) whether the contemnor had co-operated. Although these factors are not exhaustive, they provide a useful framework for analysis.

24 It is seen that in deciding on the appropriate sentence for civil contempt, the Court of Appeal considered the following factors as framework for analysis:

(a) Whether the applicant had been prejudiced by virtue of the contempt and whether the contempt was capable of remedy.

(b) The extent to which the contemnor acted under pressure.

(c) Whether the breach of the order was deliberate or unintentional.

(d) The degree of culpability.

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(e) Whether the contemnor had been placed in breach of the order by reason of the conduct of others.

(f) Whether the contemnor appreciated the seriousness of the deliberate breach.

(g) Whether the contemnor had co-operated.

25 In *Tay Kar Oon* the Court of Appeal in sentencing considered the above factors and found them in favour of the contemnor. The Court of Appeal held that the contemnor had substantially purged her contempt by complying with the various orders and directions in question (at [57]).

26 In the present case, as I had made the finding that contempt is not proved in the present case, these factors are relevant only to provide an insight to the approach of the courts in civil contempt proceedings. In this regard, I note that the defendant in the present case have fully paid on the judgment on 29 January 2026. As the purpose of the EER was to ascertain the assets and resource of the defendant to satisfy the judgment, there is no prejudice suffered by the claimant. As for the degree of culpability, it follows from my discussion above that Naga's culpability is low. Likewise, my analysis above showed that he had taken reasonable steps in regard to the EER process: he attended the first EER; had solicitors instructed to attend the adjourned EER; and filed the necessary applications under the Rules of Court. There is no evidence that he was uncooperative or that he was evading the EER process. It is clear Naga appreciated the seriousness of any breach and he had co-operated. In my view, it is plain that in the present case it can be said in any event that Naga had purged his contempt.

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Conclusion

27 The burden is on the claimant asserting contemptuous conduct on the part of Naga to prove its case beyond reasonable doubt. The claimant has not adduced any evidence to persuade me that Naga possessed the requisite *mens rea* for contempt. I therefore find Naga not guilty of contempt of court. The application by the claimant to commit him is dismissed.

28 I would add some remarks of general application to committal proceedings. Committal proceedings should be brought as a remedy of last resort. That there is a distinction drawn between using committal proceedings as a remedy of last resort and the requirement of having to exhaust all other alternative remedies before resorting to committal proceedings does not dilute the accepted principle that they remain a remedy of last resort. In *Mok Kah Hong* at [96] the Court of Appeal held as follows:

> 96 Returning to the first ground relied upon by the court in *Khoo Wai Keong*, we should make it clear that there is a distinction between committal proceedings being a remedy of last resort and the requirement of having to exhaust all other alternative remedies before committal proceedings can be resorted to. The doctrine of exhaustion of remedies exists in areas of law such as conflicts of law and administrative law. It should not, however, be extended to the law of committal, especially where there is clear evidence that such alternative enforcement mechanisms may not be successful. We also acknowledge a number of English decisions that are often cited for the proposition that committal for contempt are orders of "last resort" when dealing with matrimonial matters (see *eg, Ansah v Ansah* [1977] Fam 138 at 144 per Ormrod LJ). We make two observations in this regard. First, *the recognition that committal orders should generally be orders of last resort* does not mean that the applicant must necessarily bear the burden of establishing that all alternative enforcement mechanisms have been exhausted. …
>
> [emphasis added]

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29 As seen, committal orders are recognised as orders of last resort. Whilst the applicant does not bear the burden of establishing that all alternative enforcement mechanisms have been exhausted before taking out contempt proceedings, they should be employed only in the last resort. This is clearly reinforced in *Mok Kah Hong*. There should first be meaningful attempts made to enforce the court order in question by less draconian means.

30 There has been an increase in the filing of committal proceedings in the State Courts to enforce court orders. There is a need to curtail the proliferation of committal applications for breach of court orders. There are other remedies for breach of court orders that would serve the purposes of the orders breached. In my view, as a matter of law, committal proceedings should not be taken out at the first instance of enforcement proceedings. In particular, where the court order is for payment of monies, the judgment creditor has a variety of available remedies under procedural laws to aid recovery of such judgment debt. There is no reason why these remedies should not be pursued instead of committal proceedings. In other words, committal proceedings must serve the purposes of the court orders. They should not be used for the purpose of exerting pressure on judgment debtors. The courts need to guard against the misuse of committal proceedings.

Chiah Kok Khun
District Judge

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Hui Kwai Weng, Jonathan (Cairnhill Law LLC) for the claimant;
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