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DISTRICT JUDGE TEO GUAN KEE

8 JULY 2026

**IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**

**[2026] SGDC 219**

District Court Originating Claim No 1466 of 2024

Between

Lim Mien Lee

*... Claimant*

And

T.S. & T. Construction Pte  
Ltd

*... Defendant*

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## **JUDGMENT**

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Tort – Negligence – Causation

Tort – Negligence – *Res ipsa loquitur*



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**Lim Mien Lee**  
**v**  
**T.S. & T. Construction Pte Ltd**

**[2026] SGDC 219**

District Court Originating Claim No 1466 of 2024

District Judge Teo Guan Kee

22 Sep, 1-2 Dec 2025, 25-26 Feb 2026, 8 May 2026

8 July 2026

Judgment reserved.

**District Judge Teo Guan Kee:**

**Background**

***The Parties***

1 The Claimant is a natural person.

2 The Defendant is a company in the business of carrying out work as general contractors.

**The Claimant's case**

3 The Claimant pleaded in her Statement of Claim (the “SOC”) that on 12 April 2022 at or around 11am, she alighted from a taxi along “48 Peck Seah Street”.

4 It is not disputed that at the time, the Defendant was carrying out patching and milling works (the “**Works**”) along a section of Peck Seah Street (the “**Worksite**”).

5 The Claimant avers that as she was walking towards a restaurant in the area after alighting from the taxi, a “heated tarmac particle” flew into the Claimant’s eye “suddenly and without warning” from the direction of the Worksite and caused the Claimant to suffer serious eye injuries (the “**Accident**”).

6 It should also be noted that in the SOC, the Claimant pleaded that, at the time of the Accident, the Works were being carried out with “no cover, cordoning and/or barricading”.

7 It is the Claimant’s case that her injuries were occasioned by the Defendant’s negligence, although no particulars of any negligent acts were pleaded beyond those mentioned in the preceding paragraph.

8 On 3 September 2024, the Claimant commenced these proceedings seeking damages from the Defendant for the injuries which she suffered in the Accident.

### **The Defendant’s case**

9 The Defendant denies that the Accident took place as pleaded by the Claimant. In its Defence filed in these proceedings (the “**Defence**”), the Defendant averred that it was not aware of any accident taking place on 12 April 2022.

10 In particular, the Defendant averred that it had not been informed or otherwise made aware of the Claimant's alleged Accident, whether from the Claimant or anyone else, until more than two years after the date of the alleged Accident, when the Claimant's lawyers issued a letter of demand to the Defendant dated 9 May 2024.

11 The Defendant denied that the Claimant had been injured in an Accident as pleaded in the SOC.<sup>1</sup>

12 The Defendant has also averred that in the course of carrying out the Works, various measures had been taken by the Defendant to ensure the reasonable safety of pedestrians and other road users.

13 In particular, the Defendant averred that:

- (a) Traffic cones had been placed to barricade and mark out the work area.
- (b) Signalmen were positioned along Peck Seah Street.
- (c) Notices were erected along Peck Seah Street to warn road users and pedestrians of ongoing works.
- (d) The machines used for the Works were equipped with protective covers.

14 In its Defence, the Defendant also pleaded that even if the Claimant had been injured as pleaded in the SOC, she had also been contributorily negligent and had in any event failed to mitigate the damage she suffered.

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<sup>1</sup> Defence at paragraph 5.

**Relevant procedural background**

15 The following persons gave evidence as witnesses of fact at the trial before me:

- (a) The Claimant;
- (b) Desmond Tan Wee Keong (“**Desmond**”), the Defendant’s project manager at the Worksite; and
- (c) Balasubramaniam Sivaguru (“**Bala**”), the Defendant’s site supervisor at the Worksite.

16 In addition to the above, the parties called the following expert witnesses:

Claimant

- (a) Dr Cordelia Chan (“**Dr Cordelia**”), a consultant eye surgeon with Eye Surgeons @ Novena;
- (b) Dr Chuah Chin Tek (“**Dr CCT**”), a consultant ophthalmologist and eye surgeon with Specialist Eye and Eyelids Clinic; and

Defendant

- (c) Dr Chua Ee Chek (“**Dr CEC**”), an ophthalmologist.

17 None of the expert witnesses affirmed an affidavit of evidence-in-chief (“**AEIC**”). Instead, the parties agreed to dispense with AEICs for the medical experts and to have their respective medical reports stand in lieu of the same.

18 Separately, the parties also agreed that the trial would be bifurcated, with the issue of liability (including causation of injury) to be tried and decided first, with any issue of quantum to be separately determined if necessary.

19 Following the trial, parties each filed one set of written closing submissions, namely, the Claimant’s Closing Submissions dated 8 May 2026 (the “CCS”) and the Defendant’s Closing Submissions, also dated 8 May 2026 (the “DCS”).

### **Issues to be determined**

20 The Defendant accepted that it owed a duty of care to pedestrians and passers-by in the vicinity of the Works not to cause injury to them.<sup>2</sup>

21 It would not be controversial to say that, to succeed in her claim, the Claimant must prove that the Accident took place as pleaded in her SOC.

22 As such, the question of whether the Claimant had, on 12 April 2022, been struck in her left eye by a “heated tarmac particle” from the Worksite and had suffered injuries as a result of being struck in this way is logically anterior to the question of whether the Defendant was negligent so as to be liable in damages to the Claimant.

23 Bearing the foregoing in mind as well as the parties’ agreement to bifurcate the trial, the following issues fall to be considered in this tranche of the proceedings:

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<sup>2</sup> DCS at paragraph 48.

- (a) Was the Claimant struck in her left eye by a “heated tarmac particle” emanating from the Worksite on the day of the Accident (the “**Threshold Question**”)?
- (b) If the Threshold Question is answered in the affirmative, did the particle in question cause the injury in connection with which the Claimant has brought this action (the “**Causation Question**”)?
- (c) If the Causation Question is answered in the affirmative, was the Defendant negligent (the “**Negligence Question**”)?
- (d) If the Negligence Question is answered in the affirmative, did the Claimant’s own actions contribute to any injuries she suffered in the Accident (the “**Contributory Negligence Question**”)?

**The Threshold Question: Was the Claimant struck in her left eye in the manner pleaded in the SOC?**

***Evidence adduced by the Claimant***

24 The Threshold Question is essentially a factual inquiry turning on the evidence adduced.

25 The Claimant herself did not adduce any objective evidence that she had in fact been struck by a particle of any kind, whether comprising heated tarmac or otherwise, on the date of the Accident, much less that such a particle had emanated from the Worksite.

26 In her affidavit of evidence-in-chief (“AEIC”), the Claimant simply asserted that a heated tarmac particle entered her left eye as she was walking past the Worksite, without offering any evidence to support this assertion.<sup>3</sup>

27 In cross-examination, the Claimant was challenged about the statement in her AEIC that a heated tarmac particle, specifically emanating from the Worksite, had entered her eye.

28 In response to cross-examination, the Claimant explained that she had made this statement because

When I alighted from the taxi opposite of 48 Peck Seah Street, something flew inside my eyes and I felt the pain. I suspect it might be the material from the pictures [*showing the Worksite*] Because I felt something went in.<sup>4</sup>

29 Counsel for the Defendant suggested that this explanation was a “suspicion”, to which the Claimant responded:

**Yes**, because it---if a normal thing that enter my eyes, it’s not excruciating pain. I thought I went back home, I was very---I had a very, very busy schedule that day. I continued working. The next day, I went to work. And the pain was unbearable. My eye suddenly shut from the sunlight. That is where **I suspect it’s definitely not a stone or something that went into my eyes.**<sup>5</sup>

(Emphasis added)

30 Apart from confirming that her assertion as to how she had come to be injured was based on a suspicion, the above answer also reveals that the Claimant only came to “suspect” that a particle from the Worksite had entered her eye on the day after the Accident, which is suggestive of an afterthought.

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<sup>3</sup> Claimant’s AEIC at paragraph 9.

<sup>4</sup> NE 22 September 2025 42/14-17.

<sup>5</sup> NE 22 September 2025 43/1-6.

31 Later on in cross-examination, the Claimant also confirmed that she did not try to remove the particle after it supposedly entered her left eye.<sup>6</sup> She also did not directly answer a question as to whether she had seen the tarmac particle, choosing instead to repeat that she “just felt something went into [her] eye.”<sup>7</sup>

32 Under re-examination, the Claimant was asked by her counsel<sup>8</sup> why she had not agreed to a suggestion by the Defendant’s counsel during cross-examination that what had entered her eye could have been, instead of a heated tarmac particle, a “random stone from elsewhere”<sup>9</sup>.

33 Her response in re-examination was:

I felt at the point of time, when something entered my eye, I felt pain. **I’m really not sure whether it was a stone or a burning tarmac.**

**But based on what the doctor experts had diagnosed me,** I have an infection. And based on the pictures shown, it had also scarred my cornea.

(Emphasis added)

34 Based on the foregoing, it is clear that the Claimant did not directly *perceive* that a heated tarmac particle from the Worksite had entered her left eye at the time of the alleged Accident.

35 Instead, the Claimant’s account of how the Accident had occurred was essentially an inference, drawn from various sources of information.

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<sup>6</sup> NE 22 September 2025 43/16-18.

<sup>7</sup> NE 22 September 2025 43/19-23.

<sup>8</sup> NE 22 September 2025 73/1-6.

<sup>9</sup> NE 22 September 2025 39/20-23.

36 To be clear, this does not mean that the Claimant's case should be rejected. It does mean, however, that the Claimant's testimony is of very limited probative value. Instead, it is the information from which the Claimant drew her inference as to how the Accident took place that has to form the true evidentiary bedrock of the Claimant's case.

37 Accordingly, in the next portion of these grounds, I will consider the indirect evidence which the Claimant sought to rely on in relation to the Threshold Question.

***Indirect evidence***

38 Broadly speaking, the Claimant sought to rely on two categories of indirect evidence to make out her case on the Threshold Question:

- (a) expert evidence provided by the Claimant's medical experts; and
- (b) circumstantial evidence existing at the location and time of the Accident.

39 I will consider each in turn.

***Medical evidence***

40 As mentioned earlier, at trial, two expert witnesses gave evidence on behalf of the Claimant, Dr Cordelia and Dr CCT.

41 I should highlight, however, that these two medical specialists were not the medical professionals whom the Claimant first consulted after the Accident.

(1) Claimant's consultation history

42 By way of background, following the Accident, and notwithstanding her assertion that she had been in “severe pain”,<sup>10</sup> the Claimant did not seek medical assistance immediately. Instead, she proceeded to a pre-arranged appointment in the vicinity of Peck Seah Street, which she described as a “meeting to rectify my tenancy agreements with my tenant”.<sup>11</sup>

43 The first time the Claimant sought medical assistance for the injury which she had supposedly suffered was on the day after the Accident, when she consulted a general practitioner, Dr Ang Kiam Hwee (the “**GP**”), at a clinic known as Bridgepoint Health Pte. Ltd. This consultation took place at around 10.38am on 13 April 2022, around 22 hours after the alleged Accident.<sup>12</sup>

44 The GP was not called to give evidence at trial.

45 After consulting with the GP, who reported that he referred the Claimant to an ophthalmologist, the Claimant consulted one Dr Cheryl Ngo (“**Dr Cheryl**”), an ophthalmologist at Adult & Child Eye (ACE) Clinic Pte Ltd, at around 3.15pm on 13 April 2022, being the same day on which she had seen the GP.

46 Dr Cheryl was also not called to give evidence at trial. The Claimant did, however, agree to the authenticity of a document purporting to be a report from

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<sup>10</sup> Claimant's AEIC at paragraph 8.

<sup>11</sup> NE 22 September 2025 26/25-26 and 37/18-28.

<sup>12</sup> NE 22 September 2025 44/8-25.

Dr Cheryl dated 11 June 2025 adduced in the Defendant’s Supplemental Bundle of Documents (“**DSBD**”).<sup>13</sup>

47 For present purposes, it suffices to note that Dr Cheryl’s report made no mention of the Claimant reporting that she had been injured by a particle at any time. Instead, the only reported cause of the Claimant’s left eye condition recorded in Dr Cheryl’s report was

Patient recounted that she may have hit her left eye with hand 2 days before her visit to the clinic.<sup>14</sup>

48 One day after consulting Dr Cheryl, on 14 April 2022, the Claimant saw Dr CCT for what he described as a “second opinion after she had consulted [Dr Cheryl]”.<sup>15</sup>

49 The Claimant saw Dr CCT again on 16 April 2022. He referred the Claimant to Dr Cordelia. Dr Cordelia saw the Claimant for the first time on 16 April 2022 and thereafter, according to Dr CCT, the Claimant consulted with both of them in relation to her eye injury.<sup>16</sup>

(2) Findings of the Claimant’s medical experts

50 I summarise below the salient findings made by Dr CCT and Dr Cordelia in relation to the Claimant’s injury:

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<sup>13</sup> NE 22 September 2025 46/6-32.

<sup>14</sup> DSBD at page 19.

<sup>15</sup> DSBD 4.

<sup>16</sup> DSBD 4.

(a) Both Dr CCT and Dr Cordelia noted that the Claimant had suffered a corneal abrasion in her left eye.<sup>17</sup>

(b) Both Dr CCT and Dr Cordelia also noted that the Claimant had an infection in her left eye. To elaborate:

(i) Dr CCT noted in his report that after examining the Claimant on 14 April 2022, he observed a “corneal abrasion with a central area of white infiltration” and opined that this was indicative of a “possible infected corneal abrasion”.<sup>18</sup>

(ii) Dr Cordelia stated in her report that the Claimant had a “corneal abrasion which healed poorly, with subsequent secondary bacterial infection”.<sup>19</sup>

(c) Dr Cordelia found that the Claimant had a condition known as anterior basement membrane dystrophy (“ABMD”) in both of her eyes.<sup>20</sup>

51 As regards the *cause* of the Claimant’s injury, the Claimant’s experts’ evidence was more equivocal:

(a) Dr CCT’s report stated that the Claimant had “experienced a **possible** injury...as she was walking past some men at work along Peck Seah Street” and “some tar which the men were laying... **might** have inadvertently entered her left eye” (emphasis added).<sup>21</sup>

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<sup>17</sup> DSBD 4 and 8.

<sup>18</sup> DSBD 4.

<sup>19</sup> DSBD 8.

<sup>20</sup> DSBD 8.

<sup>21</sup> DSBD 4.

(b) Whilst Dr Cordelia’s report stated that the Claimant “sustained an injury to the left eye... Tar-like material present on the road she was walking along had splashed into her eye...”,<sup>22</sup> Dr Cordelia clarified under cross-examination that she had recorded this based on what had been communicated to her by the Claimant as well as Dr CCT when he referred the Claimant to her.<sup>23</sup>

(3) Assessing the Claimant’s medical evidence

52 Clearly, neither Dr CCT nor Dr Cordelia would have first-hand knowledge as to how the Accident occurred. The probative value of their evidence thus lies in whether their medical findings and opinions regarding the injury to the Claimant’s left eye which they observed made it more likely that the Claimant’s injury had been occasioned by a tarmac particle in the manner pleaded in the SOC.

53 Dr CCT’s report did not expressly speak to this issue. As I have noted above, Dr CCT was careful to state in his report that the Claimant’s left eye injury might have been occasioned by the Works.

54 Similarly, a close reading of Dr Cordelia’s report also reveals that she did not actually opine that the Claimant’s injury had been caused by tar-like material splashing into her eye, despite having recorded such a complaint from the Claimant. Instead, what Dr Cordelia said in her report was only that the Claimant had suffered an injury to her left eye on 12 April 2022 that resulted in a corneal abrasion and secondary infection.<sup>24</sup>

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<sup>22</sup> DSBD 5.

<sup>23</sup> NE 1 December 2025 13/1-9.

<sup>24</sup> DSBD 8.

55 In summary, neither of the Claimant’s expert witnesses actually expressed a positive opinion that the injury to the Claimant’s left eye was the result of a particle entering the Claimant’s eye.

56 To the contrary, in the case of the Claimant, there was a specific reason the injury to her left eye could have resulted from causes other than the entry of a particle into her eye.

57 As mentioned earlier, the Claimant suffered from ABMD in both eyes.

58 To begin, there is no suggestion that the Claimant’s ABMD was caused by the Accident.

59 Whilst Dr Cordelia did note that “[r]isk factors for progression or exacerbation” of ABMD could include “trauma to the cornea”, she did not go so far as to say that the Claimant’s ABMD had originated with the Accident. Indeed, it would be difficult to see how this could have been the case, given that the Claimant suffered from ABMD in both her eyes but has not made any assertion that she suffered any injury in her right eye during the Accident.

60 At trial, Dr Cordelia explained that ABMD was a condition in which the first two layers of the cornea, known as the epithelium and the Bowman’s layer, were not well adhered to one another.<sup>25</sup>

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<sup>25</sup> NE 1 December 2025 8/27-9/1.

61 Significantly, in persons with ABMD, abrasions of the corneas occur more readily,<sup>26</sup> including possibly simply by reason of waking up with dry eyes<sup>27</sup> or by accidentally hitting one's eye.<sup>28</sup>

62 Dr Cordelia's evidence in this regard was also consistent with that of the Defendant's expert, Dr CEC, who stated in his report, after noting that the Claimant suffered from ABMD, that "[e]ven mild trauma ie eye rubbing or opening the eyes on waking from sleep can cause cornea erosions and abrasions".<sup>29</sup>

63 In summary, the medical evidence was unanimous in making the point that the Claimant was a person who was more susceptible than usual to corneal abrasions, and that fairly minimal trauma was required, in the case of the Claimant, to occasion such corneal abrasions.

64 As such, the fact that the Claimant first consulted a medical professional only on the day after the alleged Accident and, in addition, consulted the first of the two experts she called upon to give evidence two days after the Accident, in my view, significantly reduces the probative value of the Claimant's medical experts' evidence as far as the Threshold Question is concerned.

65 Given her susceptibility to corneal abrasions, the aforementioned delay in seeking medical assistance introduced a number of events which could have given rise to the corneal abrasions observed by her expert witnesses including, in particular, the accidental striking of her eye by the Claimant herself, as

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<sup>26</sup> NE 1 December 2025 9/1-2.

<sup>27</sup> NE 1 December 2025 20/5-27.

<sup>28</sup> NE 1 December 2025 10/12-21.

<sup>29</sup> DSBD 22.

recorded in Dr Cheryl's report.<sup>30</sup> The Claimant's failure to call Dr Cheryl to explain this inconsistency between her report and those of Dr CEC and Dr Cordelia only added to the uncertainty surrounding whether she had been struck by a heated tarmac particle as pleaded in the SOC.

*Circumstantial evidence relied on by the Claimant*

66 Separately, as she did not have direct evidence that a heated tarmac particle had entered her eye from the Worksite, the Claimant sought to make out her case by, *inter alia*, pointing out various pieces of circumstantial evidence.

67 These essentially comprised the following assertions:

- (a) The Worksite was "inadequately or not at all covered or cordoned and/or barricaded, except for the road construction pylons (cones)..."<sup>31</sup>
- (b) She had to pass by the Worksite to get to her intended destination on the day of the Accident.<sup>32</sup>
- (c) There were no other roadworks or construction sites nearby on the day of the Accident.<sup>33</sup>
- (d) She felt "excruciating pain" when the particle allegedly entered her left eye.<sup>34</sup>

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<sup>30</sup> DSBD 19.

<sup>31</sup> Claimant's AEIC at paragraph 8.

<sup>32</sup> Claimant's AEIC at paragraph 9.

<sup>33</sup> Claimant's AEIC at paragraph 10.

<sup>34</sup> Claimant's AEIC at paragraph 10.

68 With respect, I do not think these facts assist the Claimant.

69 First, even *assuming* the Claimant’s evidence to be completely true, the nature of the Worksite and the absence of other works at best created a situation in which the Accident *could* have taken place.

70 Given the absence of any objective evidence as to the nature of any such particle or its origin, it is a logical fallacy to assert that the state of the Worksite must lead to the conclusion that the Accident, as recounted by the Claimant, *did* take place.

71 As for the excruciating pain which the Claimant claimed to have felt when the particle entered her eye, whatever pain the Claimant felt had not been severe enough for her to decide to seek medical treatment immediately or even on the same day. It did not even sufficiently alarm the Claimant for her to forgo her pre-arranged meeting. I note, in this regard, that the Claimant has not provided any explanation as to the nature of the meeting to demonstrate that her attendance at the same should not be seen as reflective of the perceived seriousness of her alleged injury on the day of the Accident.

72 For completeness, it should also be highlighted that the allegation that the Worksite was “not at all covered or cordoned and/or barricaded, except for ... road construction pylons” is in any event not borne out by evidence.

73 I summarise the following salient points made in Bala’s AEIC:

- (a) Cones were placed to mark out and barricade the area and to direct, *inter alia*, pedestrian traffic away from the section of the road where the Works would be carried out.<sup>35</sup>
- (b) Notices were placed along Peck Seah Street to warn, *inter alia*, pedestrians of the ongoing Works.<sup>36</sup>
- (c) Traffic controllers were deployed to direct “people and traffic” at the Worksite and ensure that they kept a safe distance from the Worksite.<sup>37</sup>
- (d) Machines used in the Works on the day of the alleged Accident were equipped with covers to prevent flying tarmac or debris.<sup>38</sup>

74 The contents of Desmond’s AEIC echoed those of Bala’s AEIC on the aforementioned points. Both Bala and Desmond also referred to photographs supporting the assertions made above.

75 The Claimant did not seriously challenge the veracity of Bala’s and Desmond’s evidence. Instead, she resorted to highlighting supposed inadequacies in the same.

76 For instance, in the CCS, the Claimant asserted that the measures taken by the Defendant were directed principally at vehicular traffic management and criticised the quality of the Defendant’s evidence, all without adducing any objective evidence of her own.

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<sup>35</sup> Bala’s AEIC at paragraph 9.

<sup>36</sup> Bala’s AEIC at paragraph 10.

<sup>37</sup> Bala’s AEIC at paragraph 10.

<sup>38</sup> Bala’s AEIC at paragraph 20.

77 Another example was the Claimant’s counsel’s attempt to seize upon Desmond’s admission, under cross-examination, that milled material being offloaded onto a truck at the Worksite was not covered, to argue that the absence of covering at that point could have led to a risk of escaped particles.<sup>39</sup> However, this argument was, in my view, merely speculation by the Claimant’s counsel, as no objective evidence was led by the Claimant to demonstrate a link between such uncovered parts and the “heated tarmac particle” pleaded in the SOC. To the contrary, Desmond gave unchallenged evidence that any particles present at that point would not have been heated.<sup>40</sup>

***Res ipsa loquitur is not relevant to the Threshold Question***

78 For the avoidance of doubt, I would like to record my view that the doctrine of *res ipsa loquitur* (“**RIL**”) has no bearing on the Threshold Question.

79 In the SOC, the Claimant pleaded that she “shall rely on the doctrine of *res ipsa loquitur* on the injuries that were caused to the Claimant in the Accident.”<sup>41</sup>

80 In the CCS, the Claimant’s counsel submitted that *RIL* “applies where there is a genuine difficulty in proving the precise cause of an accident, but where the accident itself is of a kind that would not ordinarily occur if proper care had been taken”<sup>42</sup> (emphasis added) and cited, as authority for this proposition, the decision of the Court of Appeal in *Grace Electrical*

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<sup>39</sup> CCS at paragraph 28.

<sup>40</sup> NE 25 February 2026 56/14-31.

<sup>41</sup> SOC at paragraph 4.

<sup>42</sup> CCS at paragraph 9.

*Engineering Pte Ltd v Te Deum Engineering Pte Ltd* [2018] 1 SLR 76 (“**Grace**”) at [39].

81 At [39] of the judgment in *Grace*, the Court of Appeal (the “CA”) stated that *RIL*

...is a rule of evidence that enables a plaintiff to establish a *prima facie* case of negligence in the event that there is insufficient direct evidence to establish the cause of the accident in a situation where the accident would not have occurred in the ordinary course of things had proper care been exercised, ie, absent any negligence.

82 There is no suggestion in *Grace*, however, that *RIL* operates so as to prove an accident occurred. Put differently, *RIL* does not assist the Claimant to discharge her burden of proving the Threshold Question.

83 The facts of *Grace* are themselves an illustration of this distinction.

84 In *Grace*, the plaintiff company’s premises (the “**Pf’s Premises**”) were damaged in a fire which had begun on the defendant company’s premises (the “**Df’s Premises**”) and spread to the Pf’s Premises. The plaintiff in *Grace* sued the defendant in negligence for the damage caused to the Pf’s Premises.

85 As recorded in the CA’s judgment in *Grace* at [3], the trial judge had found that the fire had started on the Df’s Premises and spread to the Pf’s Premises. The trial judge *then* applied *RIL* and found the defendant company liable in negligence.

86 The point I make, in setting out the foregoing summary, is that in *Grace*, *RIL* was *not* applied to reach a finding that the Pf’s Premises had been damaged by a fire that began in the Df’s Premises. Instead, *RIL* was applied to ultimately

arrive at a finding that the cause of the fire stemmed from the defendant company's *negligence*.

87 In fairness to the Claimant's counsel, it is not entirely clear from the CCS whether they are seeking to apply *RIL* in the context of the Threshold Question. I note, in this regard, that in paragraph 12 of the CCS, the Claimant's counsel recognised that once the three requirements for RIL enunciated in *Grace* are met, what arises is an "inference of negligence".

***Conclusion: Threshold Question***

88 In summary, as far as evidence relating to the Threshold Question is concerned:

- (a) The Claimant's own evidence was not based on first-hand knowledge of the Accident, but was essentially an inference drawn from other sources of information.
- (b) The medical evidence did not demonstrate that any particle, whether from the Worksite or elsewhere, had entered the Claimant's left eye as pleaded in the SOC, particularly in view of the Claimant's ABMD.
- (c) Other indirect evidence relied on by the Claimant also did not support her assertion that a particle had entered her left eye as pleaded in the SOC.

89 As such, having regard to the totality of the evidence available to me, I find that the Claimant has not proven, on a balance of probabilities, that the Accident took place as pleaded in the SOC.

### **The Causation Question**

90 My findings on the Threshold Question would also have an impact on the Causation Question.

91 The SOC did not expressly plead the injuries for which the Claimant intended to claim damages. Instead, in the section entitled “Particulars of Personal Injuries of the Claimant”, the Claimant pleaded references to medical reports and memoranda, prepared by Dr CCT and Dr Cordelia or their clinics, which were annexed to the SOC.

92 Based on the reports annexed to the SOC, the injuries allegedly occasioned by the Accident were a left corneal abrasion accompanied by a bacterial infection.<sup>43</sup>

93 Beyond the foregoing, Dr CCT’s reports did not identify any subsequent issue experienced by the Claimant. Dr Cordelia’s reports did record further issues such as corneal scarring, which she confirmed at trial were consequential upon the infection observed by Dr Cordelia when the Claimant first consulted her.<sup>44</sup>

94 Given my views earlier that the Claimant has not adduced sufficient evidence to show that a particle from the Worksite entered her eye on the date of the Accident, in particular, that the medical evidence on its own could not establish that her corneal abrasion and accompanying infection were the result of trauma suffered in this specific manner, it would also follow that there was insufficient evidence before me to demonstrate that the damage for which the

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<sup>43</sup> SOC at page 11.

<sup>44</sup> NE 1 December 2025 27/6-17.

Claimant had brought the action herein was *caused* by a heated particle from the Defendant's Worksite.

95 As I have decided the Threshold Question and the Causation Question in favour of the Defendant, it follows that the claim must be dismissed.

### **The Negligence Question**

96 In view of my findings above, it is not necessary to consider the Negligence Question or, *a fortiori*, the Contributory Negligence Question.

97 Even if the Defendant's arrangements for the Works had, in some manner, failed to meet the standard that would have been expected of the Defendant so as to constitute negligent conduct in law, the Claimant could still not succeed in her claim against the Defendant, having failed to establish the necessary nexus between such negligence and the loss she allegedly suffered.

98 In any event, there are deficiencies, in my view, in the submissions made by the Claimant's counsel in relation to the Negligence Question.

99 In brief, the Claimant recognised that the "core issue" was whether the Defendant had taken "reasonable care" to ensure the Worksite was safe for members of the public, such as the Claimant, who could be expected to be in the vicinity of the same.<sup>45</sup>

100 In considering whether the Defendant had acted reasonably so as to meet the standard of care expected of it, industry standards or practices would be a relevant factor: *Loh Ngai Seng v The Management Corporation Strata Title*

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<sup>45</sup> CCS at paragraph 3.

*Plan No. 0581 (Pandan Valley Condominium) and another suit* [2019] SGMC 34 at [18].

101 The Claimant did not, however, in the CCS, point to any specific standards applicable to the Works or Worksite arrangements to show that the Defendant’s practices were not in accordance with such standards. Whilst the CCS did make references to the Land Transport Authority’s Code of Practice for Traffic Control at Work Zone (the “**LTA Code**”), these references were to statements of general principle, for instance, emphasising “safety first under any situation” or works having to “adapt to traffic conditions”.

102 Instead of highlighting specific standards, the position taken in the CCS was that the Defendant could not “seek refuge behind the refrain of ‘industry practice’”.<sup>46</sup>

103 Whilst conformity with common practice is not a complete answer to an allegation of breach of duty, it has also been judicially held that conformity with common practice is *prima facie* evidence that the standard of care has been met: *BNJ (suing by her lawful father and litigation representative, B) v SMRT Trains Ltd and another* [2014] 2 SLR 7 at [93].

104 In this case, the Claimant, on whom the legal burden to prove her case lies, simply did not adduce any evidence to challenge the Defendant’s evidence that in carrying out the Works it had adhered to standards applicable in Singapore, such as those set out in the LTA Code.

105 Further, insofar as the Claimant sought to rely on *RIL* to establish that the Defendant had been negligent in relation to the Worksite or the Works, it

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<sup>46</sup> CCS at paragraph 32.

appears that the Claimant’s counsel may not have properly appreciated what was required to satisfy the requirement that “[t]he accident would not have happened, in the ordinary course of things, if proper care had been taken”,<sup>47</sup> which was the second requirement, out of three, that has to be satisfied in order for *RIL* to apply.

106 In *Grace* at [47], the CA opined that:

In addressing the second requirement [*for RIL*], the court must necessarily examine whether there was *any* act or omission on the part of the defendant that could have caused the fire. Absent that, the rule [*of RIL*] simply does not apply.

107 This principle was distilled by the CA after considering decisions including *Wayfoong Credit Limited v Tsui Siu Man t/a Wilson Plastics Manufactory* [1984] HKCA 205 (“*Wayfoong*”).

108 In *Wayfoong*, the Hong Kong Court of Appeal had held that *RIL* did not apply due to “an absence of evidence to indicate any breach or negligence on the part of the defendant.”<sup>48</sup>

109 Decisions like *Grace* and *Wayfoong* make it clear that the Claimant *must still identify at least one possible cause* (involving negligence on the part of the Defendant) which could have caused the Claimant’s injuries, albeit that, where such a possible cause has been demonstrated and the other requirements for *RIL* have been met, the Claimant would not have to prove that the possible cause was the *actual* cause of the Accident, as *RIL* would apply to give rise to a *prima facie* inference of negligence.

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<sup>47</sup> *Grace* at [39(b)].

<sup>48</sup> *Grace* at [43].

**Judgment**

110 By virtue of the foregoing, the Claimant's claim is dismissed in its entirety.

111 The costs and disbursements of this suit are to be fixed by this Court if the parties are unable to agree on the same. The parties are to file and exchange their respective written submissions on costs and disbursements within 14 days hereof, limited to six pages, if required.

Teo Guan Kee  
District Judge

Mr Liew Hwee Tong Eric, Mr Cornelius Sng Jia Chong [Advov Law LLC] for the claimant;  
Mr Hong Heng Leong, Mr Noh bin Abd Hamid [Just Law LLC] for the defendant.