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DEPUTY REGISTRAR JONATHAN NG PANG ERN

24 JULY 2026

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGDC 244

District Court Originating Claim No 951 of 2026

Summons No 1042 of 2026

Between

- (1) Zhang Zhinong
- (2) Xue Jie

... Claimant(s)

And

Lin Shuying

... Defendant(s)

EX TEMPORE JUDGMENT

[Civil Procedure — Striking out]

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**Zhang Zhinong and another
v
Lin Shuying**

[2026] SGDC 244

District Court Originating Claim No 951 of 2026
Summons No 1042 of 2026
Deputy Registrar Jonathan Ng Pang Ern
24 July 2026

24 July 2026

Deputy Registrar Jonathan Ng Pang Ern:

1 This is a wife's application to strike out her husband's claim.

2 The 1st and 2nd Claimants are friends. The Defendant is the 2nd Claimant's wife.¹ This action arises out of an alleged \$100,000 loan that the 1st Claimant extended to the Defendant. According to the Statement of Claim, the 2nd Claimant played a rather active role in the loan process: he conveyed the Defendant's request for a loan to the 1st Claimant,² represented to the 1st Claimant that the loan would be repaid,³ and even instructed his solicitors to issue a letter of demand to the Defendant.⁴ On the basis of what they say is the

¹ Statement of Claim at para 4.

² Statement of Claim at para 5.

³ Statement of Claim at para 7.

⁴ Statement of Claim at para 8.

Defendant’s unjust enrichment,⁵ the Claimants commenced this action on 24 May 2026.

3 On 5 June 2026, the Defendant filed the present application to strike out the 2nd Claimant’s claim on the ground that the Statement of Claim discloses no reasonable cause of action by the 2nd Claimant against the Defendant. The Defendant submits that the 2nd Claimant’s sole pleaded cause of action in unjust enrichment cannot be made out on the Claimants’ own pleaded case because: (a) the sum of \$100,000 was transferred by the 1st Claimant alone; (b) the alleged enrichment was at the 1st Claimant’s expense alone; and (c) the loss was suffered by the 1st Claimant alone.⁶ Moreover, the pleaded facts in the Statement of Claim do not give rise to any other cause of action that can confer legal standing on the 2nd Claimant.⁷

4 On their part, the Claimants accept that the 2nd Claimant has no reasonable cause of action against the Defendant. Instead, they resist this application on the basis of O 9 r 10(1) of the Rules of Court 2021. In essence, the submission is that, pursuant to the decision of the Assistant Registrar in *DFD v DFE and another* [2024] 6 SLR 455 (“*DFD*”), O 9 r 10(1) of the Rules of Court 2021 should be interpreted similarly to O 15 r 6 of the Rules of Court (2014 Rev Ed),⁸ and the “just and convenient” limb under O 15 r 6(2)(b)(ii) of the Rules of Court (2014 Rev Ed) is satisfied in the present case.⁹

⁵ Statement of Claim at paras 10-12.

⁶ Defendant’s Written Submissions at para 23(a).

⁷ Defendant’s Written Submissions at para 23(b).

⁸ Claimants’ Written Submissions at para 9.

⁹ Claimants’ Written Submissions at paras 20-33.

5 Under O 9 r 16(1)(a) of the Rules of Court 2021, the Court may order any or part of any pleading to be struck out on the ground that it discloses no reasonable cause of action. A reasonable cause of action connotes a cause of action which has some chance of success when only the allegations in the pleading are considered (*Gabriel Peter & Partners (suing as a firm) v Wee Chong Jin and others* [1997] 3 SLR(R) 649 at [21]). In my view, it is abundantly clear that the 2nd Claimant has no cause of action against the Defendant. The alleged loan was extended to the Defendant by the 1st Claimant. Accordingly, and as the Statement of Claim itself accepts, any unjust enrichment was at the 1st Claimant's expense.¹⁰ The 2nd Claimant has suffered no loss even if all the facts pleaded in the Statement of Claim are assumed to be true.

6 The question, then, is whether the 2nd Claimant may nevertheless bring a claim against the Defendant notwithstanding this. As mentioned earlier (see [4] above), the Claimants rely on O 9 r 10(1) of the Rules of Court 2021 to resist this application. In my judgment, this reliance is misplaced.

7 First, O 9 r 10(1) of the Rules of Court 2021 is a power-conferring provision that allows the Court to make one of three orders: (a) add or remove one or more claimants or defendants; (b) give permission for a defendant to issue a third party notice; or (c) give directions for the originating process to be served on any person who may have an interest in the action. While the Claimants have not expressly identified which of these orders they are seeking, their submissions variously refer or allude to the 2nd Claimant being added or removed as a party. However, the Court, in this application, is not being asked to add or remove the 2nd Claimant as a party. The 2nd Claimant is already a

¹⁰ Statement of Claim at para 10(b) and 11.

party to the action (and hence there is no question of him being added as a party), and this application is an application to strike out his *claim* (and hence there is no question of him being removed as a *party*). It is also clear that the Court is not being asked to make either of the two remaining orders mentioned in O 9 r 10(1) of the Rules of Court 2021. This application simply does not trigger the operation of O 9 r 10(1) of the Rules of Court 2021.

8 While the Assistant Registrar in *DFD* was of the view (at [24]) that the existing case law under the Rules of Court (2014 Rev Ed) “provides at least the starting point” for the approach in O 9 r 10(1) of the Rules of Court 2021, this does not mean that the plain wording of O 9 r 10(1) of the Rules of Court 2021 can be wholly disregarded. The order sought must still be one of the orders mentioned in O 9 r 10(1) of the Rules of Court 2021. Indeed, this was the case in *DFD* itself, where the applicant sought to be added as a party to the action.

9 Second, even if O 9 r 10(1) of the Rules of Court 2021 applies in the present case, there is no general rule that permits a claimant to bring an action against a defendant when the claimant has no cause of action against the defendant. Indeed, such a general rule would be fundamentally incompatible with O 9 r 16(1)(a) of the Rules of Court 2021. It would mean that a claimant may be added pursuant to O 9 r 10(1) of the Rules of Court 2021, only to have his claim struck out pursuant to O 9 r 16(1)(a) of the Rules of Court 2021. The image of “a revolving door spinning somewhat out of control” used by the High Court in *Tan Yow Kon v Tan Swat Ping and others* [2006] 3 SLR(R) 881 (“*Tan Yow Kon*”) (at [51]) aptly captures the ensuing absurdity.

10 Indeed, neither of the two cases relied on by the Claimants goes as far as they would like. In *Tan Yow Kon*,¹¹ the High Court held (at [58]) that the Court’s power under O 15 r 6(2) of the Rules of Court (2014 Rev Ed) to bring and keep the appropriate parties before it may be exercised even where no cause of action is asserted against a particular defendant. However, that case concerned the removal of defendants under O 15 r 6(2)(a) of the Rules of Court (2014 Rev Ed). When read in this context, all the High Court was likely saying was that an action may be maintained against a particular *defendant* even where there is no cause of action against that defendant.

11 Similarly, the High Court’s decision in *Sia Chin Sun v Yong Wai Poh* (*Sia Tze Ming, non-party*) [2019] 3 SLR 1168 (“*Sia Chin Sun*”)¹² does not assist the Claimants. Although the High Court allowed a beneficiary of an estate to be added as a plaintiff, this was based on the *exception* laid down by the Court of Appeal in *Wong Moy (administratrix of the estate of Theng Chee Khim, deceased) v Soo Ah Choy* [1996] 3 SLR(R) 27. This exception allows a beneficiary to, in special circumstances, institute action to protect and recover assets belonging to an unadministered estate (*Sia Chin Sun* at [25]). By no means does *Sia Chin Sun* establish a *general* rule that permits a claimant to bring an action against a defendant when the claimant has no cause of action against the defendant.

12 Third, even if I am wrong on both of the foregoing points, the “just and convenient” limb is not satisfied on the facts. In *DFD*, the Assistant Registrar held (at [26]) that under the “just and convenient” limb, it is not sufficient for there to be merely some factual overlap between the main dispute and the

¹¹ Claimants’ Written Submissions as para 12.

¹² Claimants’ Written Submissions at para 28.

question or issue involving the third party. Instead, what is required is for the person seeking to be added to have a legal interest that is directly related or connected to the proceedings. To this end, the Claimants advance three arguments.

13 The first argument is that there are questions and/or issues between the 2nd Claimant and the other parties that relate to the 1st Claimant's claim against the Defendant, and whether these questions and/or issues entitle the 2nd Claimant to substantive relief is an issue to be determined after the evidence has been adduced.¹³ With respect, this argument turns the entire civil litigation process on its head. A claimant does not wait for evidence to be adduced before deciding what substantive reliefs he wishes to seek. He seeks substantive reliefs and then proceeds to establish his entitlement to those reliefs based on the evidence.

14 A further point made by the Claimants here is that because the Defendant did not respond to the 2nd Claimant's solicitors' letter of demand (see [2] above), the 2nd Claimant reasonably believed that the Defendant might claim that the 2nd Claimant was responsible to repay the 1st Claimant. Quite apart from the fact that this point is made in written submissions and is therefore evidence from the Bar, it is also entirely speculative. Even more to the point, if the 2nd Claimant's fears materialise, the correct procedure would be for the Defendant to apply to add the 2nd Claimant as a third party. It is not for the 2nd Claimant to pre-emptively seek to get in on the action.

15 The second argument is that the 2nd Claimant has a legal interest given his role in the loan process and his marital relationship with the Defendant;

¹³ Claimants' Written Submissions at paras 22-25.

indeed, he was an “instrumental party” in the transaction.¹⁴ But all this means is that the 2nd Claimant will likely be called as a witness at the trial. He may be personally interested in the outcome of this action, but he has no legal interest whatsoever.

16 The third argument is that if the Defendant is found liable on the basis that she requested the loan through the 2nd Claimant or authorised the representations made by him, there exists a real possibility that disputes may subsequently arise between the Defendant and the 2nd Claimant concerning their respective responsibilities in relation to the transaction.¹⁵ Whatever I have earlier about speculation and the correct procedure (see [14] above) applies equally here.

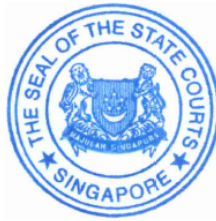
17 The upshot, then, is that the 2nd Claimant has not established how he has a legal interest that is directly related or connected to the action. The “just and convenient” limb is therefore not satisfied on the facts.

18 In the final analysis, the 2nd Claimant has no cause of action, much less a reasonable cause of action, against the Defendant. His right to bring a claim against the Defendant may exist in the realm of imagination, but it does not exist in law. For the reasons set out above, I allow the application and order that the

¹⁴ Claimants’ Written Submissions at paras 26-30.

¹⁵ Claimants’ Written Submissions at paras 31-32.

2nd Claimant's claim against the Defendant be struck out in its entirety pursuant to O 9 r 16(1)(a) of the Rules of Court 2021. I will hear parties on costs.



Jonathan Ng Pang Ern
Deputy Registrar

Govintharasah s/o Ramanathan and Lee Siang Yong Jerome (Gurbani
& Co LLC) for the Claimants;
Qua Bi Qi, Yeo Lai Hock Nichol and Wee Guang Hui (Nine Yards
Chambers LLC) for the Defendant.
