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

District Judge Chiah Kok Khun
12 August 2026

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGDC 261

District Court Originating Claim Suit No 173 of 2024 (District Court Registrar's Appeal No 36 of 2026)

Between

Ng Gino Ernest

… *Claimant*

And

Ang Eng Peng

… *Defendant*

JUDGMENT

[Damages — Measure of damages — Personal injuries case — Assessment of pre-trial loss of earnings and loss of future earnings — Company employing physiotherapist injured in accident — Physiotherapist owning 50% shareholding in company — Whether loss of revenue of company claimable by physiotherapist as loss of earnings]

TABLE OF CONTENTS

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Ng Gino Ernest
v
Ang Eng Peng

[2026] SGDC 261

District Court Originating Claim Suit No 173 of 2024 (District Court Registrar's Appeal No 36 of 2026)
District Judge Chiah Kok Khun
5 August 2026

12 August 2026 Judgment reserved.

District Judge Chiah Kok Khun:

Introduction

1 This appeal ("RA") from the decision of the learned deputy registrar ("DR") is related to an assessment of damages ("AD"). The facts leading to the AD have been fully set out in the DR's judgment (see *Ng Gino Ernest v Ang Eng Peng* [2026] SGDC 176 ("DR's judgment")). In brief, the AD arose out of a road traffic accident on 4 September 2021 involving the claimant and the defendant. The claimant was cycling along Nicol Highway when the defendant, who was riding a motorcycle, collided with him.

2 Default interlocutory judgment was entered against the defendant on 15 April 2024. The parties filed a memorandum of agreement on 24 April 2025

consenting to the district court having jurisdiction under s 19(2) of the State Courts Act 1970 to hear and try the action, notwithstanding that the amount claimed exceeds the district court limit. At the AD, the defendant did not dispute the quantum of medical and transport expenses sought by the claimant. However, he disputed the claims for damages for pain and suffering, pre-trial loss of earnings, loss of future earnings, future medical expenses, and property damage.

3 At the end of the AD on 25 May 2026, the DR assessed damages to the claimant in the total amount of $55,769.23 as follows:

(a) General damages for pain and suffering:

(i) T4 fracture - $20,154

(ii) Right knee contusion/abrasion and right distal forearm abrasion/contusion - $1,343.60

(b) Other general damages:

(i) Loss of future earnings – 0

(ii) Future medical expenses and treatments - $8,573.40

(c) Special damages:

(i) Medical expenses – $21,199.18 (agreed)

(ii) Transport expenses – $344 (agreed)

(iii) Pre-trial loss of earnings – 0

(iv) Property damage - $4,155.05

4 The claimant filed the RA appealing only against the nil award for pre-trial loss of earnings and loss of future earnings. For the reasons below, I am dismissing the RA.

Issue to be determined

5 The issue to be determined by me in this case is whether the claimant's claim for loss of earnings is to be assessed based on any loss that Sports Solutions purportedly incurred because of the claimant's injuries.

Analysis and findings

The claimant is conflating his claim with that of Sports Solution

6 At the outset, it should be noted that the scope of the dispute before me in the RA is much narrower than that before the DR. The issue before me concerns only the claims for pre-trial and future loss of earnings. They are delimited to the question of loss of earnings.

7 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

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

2 Tan Boon Heng at [22].

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 the RA with the undisputed facts. The claimant is a physiotherapist by profession. He operates his own physiotherapy clinic under an entity known as Sports Solutions Pte Ltd ("Sports Solutions"). He is a director and 50% shareholder of Sports Solutions. The claimant's wife is the other 50% shareholder. As alluded to above, the claimant was cycling along Nicol Highway when the defendant, who was riding a motorcycle, collided with him. As a result of the accident, the claimant suffered the following injuries:

> (a) A T4 fracture with resultant loss of anterior-mid T4 vertebral height of approximately 50 percent and mild posterior vertebral cortical retropulsion;[4] and
>
> (b) A right knee contusion/abrasion and a right distal forearm contusion/abrasion.[5]

9 Both the claimant and defendant characterised T4 fracture as a moderate injury under the *Guidelines for the Assessment of General Damages in Personal Injury Cases* (Academy Publishing, 2010) ("*Guidelines*"). There was a single fracture of one vertebra, which was treated conservatively without surgery. By the time the claimant was reviewed by his medial expert, Dr Hee Hwan Tak

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3 Tan Boon Heng at [44].

4 Agreed Bundle of Documents Vol. 2 ("2 AB") 190 – 192.

5 2 AB 302.

("Dr Hee") on 18 November 2021, just two months after the accident, there was no tenderness elicited over his thoracic spine, and he was observed to have good range of motion of the thoracolumbar spine. On further review on 4 February 2022, there was interval resolution of bone marrow edema at T4 vertebra without further collapse or retropulsion. Dr Hee noted the claimant to be well and had resumed working.[6] The other injury sustained by the claimant was a right knee contusion/abrasion and a right distal forearm contusion/abrasion.[7] The claimant was on hospitalisation leave from 4 September 2021 to 30 November 2021.[8] The claimant returned to work in December 2021 and continued to treat patients at Sports Solutions.

10 I turn now to the question of loss of earnings. At the AD the claimant has pitched his pre-trial loss of earnings as 50% of Sports Solutions' alleged loss of revenue. The claimant founds his claim for loss of earnings on the loss that Sports Solutions purportedly incurred as a result of the claimant's injuries. The claimant's case is thus that there is no distinction between the loss that Sports Solutions has suffered and that which he has suffered.[9]

11 This is problematic. First, Sports Solutions is not the claimant. The fundamental issue of the wrong party making claims confronts the claimant. It is pertinent to bear in mind that Sports Solutions is a wholly separate legal entity from the claimant. It is not a sole proprietorship or a partnership under which the claimant plied his trade. It is incorporated. The claimant cannot make claims on behalf of Sports Solutions. Conversely, Sports Solution has no basis to

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6 2 AB 302.

7 2 AB 302.

8 The claimant's 1st affidavit of evidence-in-chief ("1 BA"), [57].

9 Paras 14-16 of the claimant's written submissions dated 17 July 2026 ("claimant's submissions")

prosecute its claims for losses in this action. This is an insurmountable huddle that puts paid to any claim for losses suffered by Sports Solution. The claimant's proposition that there is no distinction between the loss that Sports Solutions has suffered and that which he has suffered is a non-starter. In this regard, tellingly, despite the abundance of local jurisprudence on personal injury claims, which constitute perhaps the most prevalent subject matter of civil litigation in our courts, the claimant relies on a couple of dated English cases to advance his proposition. As seen below however, these English cases do not support the claimant's contention.

12 The claimant refers to the English case of *Phillips v Holliday* [2001] EWCA Civ 1074 13 (*"Phillips*"). The plaintiff in *Phillips* was working at a building site when he fell and crushed a vertebra. There, the plaintiff's wife was the sole shareholder and director of the company through which the plaintiff worked; and it was the plaintiff that was essentially the driving force of the company (at [7]). Following the accident, the plaintiff continued to perform managerial and administrative duties, but his capacity for manual work was significantly limited. The court awarded the plaintiff an amount based on the sum that the plaintiff drew from the company each week, which comprised his regular salary and distributed profits.

13 The claimant in the present case relies on *Phillips* in support of the proposition that "in view of the claimant's position in Sports Solutions as its founder, managing director and 50% shareholder with his wife, damages in this case, therefore ought to be taken with reference to the position of Sports Solutions and in particular the claimant's position as a 50% shareholder and director of Sports Solutions".[10] But as alluded to above, the court in *Phillips*

10 Para 16 of claimant's submissions.

proceeded with the award of damages on the basis of the sum that the plaintiff personally drew from the company each week, comprising his regular salary and distributed profits (at [29]). The court did not proceed based on the company's revenue to determine the plaintiff's loss of income. I agree with the DR that *Phillips* does not endorse an approach whereby the court equates loss of revenue suffered by a claimant's company to the claimant's loss of earnings. As noted by the DR, the court in *Phillips* used as a starting point for assessing loss of earnings the amount that the plaintiff there admitted to receiving from the company weekly, which comprised salary and profits distributed to him (at [28] – [29]). The court did not rely on the revenue of the company to determine the plaintiff's loss. Contrary to the claimant's contention, *Phillips* did not lay down any general principle that in situations of self-employment or employment through a family company there is no distinction between the loss that the company suffered and that which the claimant suffered.

14 The claimant also refers to the case of *Lee v Sheard* [1956] 1 QB 192 ("*Lee*"), decided 70 years ago, in support of his contention. The plaintiff in *Lee* was injured in a car accident. He was a 49% shareholder and director of a private limited company where there was only one other shareholder holding the remaining 51% of the shares. As a result of his injuries, the plaintiff was for a time unable to do work for the company and in consequence, the profits of the company were lower than they would have been. Consequently, the distribution of the proceeds to the plaintiff and the other shareholder was less than it otherwise would have been. The court held that the plaintiff received £1,500 less than otherwise he would have. The claimant appears to argue that this case supports his proposition that a shareholder is to be compensated for the loss suffered by the company. This is not so. The case report is clear that the court had found that the plaintiff in fact received £1,500 less from the company than he otherwise would have done, as a result of the reduction of profits of the

company (at p 195). The loss the plaintiff suffered was thus a real loss of £1,500 and he is entitled to recover that sum. In other words, the loss suffered was an actual loss of £1,500 by the plaintiff.

15 The claimant also refers the case of *Jason v Batten (1930) Ltd [*1969] 1 Lloyd's Rep 28118, arguing that the principle that the plaintiff's loss was the reduction in the net profit of his company was applied. In that case, the plaintiff incorporated a one-man company, and the company suffered losses as result of his injuries. The court awarded a sum to the plaintiff on the basis of a reduction in the net profit of the company. However, the court had made a finding (at p 289) that the way the plaintiff took profits of the company was by paying himself a director's fee by the company on a yearly basis. Therefore, the reduction of net profit of the company would be a direct loss to the plaintiff in that case. The case does not stand for the general proposition that an individual shareholder's loss is indistinguishable from the company's loss in every case.

16 It is seen that the claimant has therefore misapplied the English cases cited by him. In each of those cases, the plaintiff was able to prove actual loss suffered personally by him following the reduction in the profits of the company they owned. As noted by the defendant, the plaintiff in the English cases suffered a real and demonstratable reduction in personal drawings.[11] In contrast, in present case, the claimant's own evidence undermines his assertion that he suffered any actual loss following the Accident. The claimant's own evidence was that he had been receiving, and continued to receive throughout the post-Accident period, a fixed monthly salary of $3,000 together with a director's fee from Sports Solutions.[12] There was no evidence of any reduction in takings by

11 Para 16 of the defendant's written submissions dated 17 July 2026.

12 NE 16 October 2025, 30E to 31A.

the claimant after the Accident. The defendant pointed out that Sports Solutions declared dividends only once in 2021, when the claimant received $300,000.[13] Although the company's unaudited financial statements for the financial years ending 30 April 2022 and 30 April 2023 posted profits, the company chose not to declare any dividends for those years.[14] In my judgment, having decided not to procure Sports Solutions to declare dividends to himself in the years after the Accident (for reasons best known only to him), despite it returning a profit, the claimant cannot now make claims that he suffered any loss of dividend income. In this regard, I note that the claimant does not in fact make any claims based on loss of dividend income.

17 The onus lies squarely on the claimant to prove that his earnings were factually reduced because of his injuries. There is however no evidence of any such reduction of earnings after the Accident. As noted by the DR, the claimant only disclosed his income tax assessment statements in respect of his income earned from 2018 to 2021.[15] As alluded to above, his own evidence is that he had been receiving and continued to receive from Sports Solutions a salary of $3,000 a month, together with a director's fee.[16]

18 At the end of the day, the claimant has failed to prove that he suffered any loss of earnings because of his injuries. This is so for pre-trial loss of earnings as it is for loss of future earnings. In fact, the evidence shows that he suffered no loss of earnings after the Accident or that he will suffer any future loss of earnings. In a bid to contrive a claim for loss of earnings, he conflates

[13] 1BA 86.

[14] 2 AB 289, 291; 325, 326.

[15] 2 AB 53, 86, 177, 292.

[16] NE 16 October 2025, 30E – 31A.

his claims with that of Sports Solution. In this regard, and for completeness only, I note that the business of Sports Solutions does not in any event represent the business of the claimant. The claimant set great store by the fact he is the founder, a director and 50% shareholder of Sports Solutions, and the only other shareholder being his wife. This however is overstating the role of the claimant in Sports Solutions. The undisputed evidence says otherwise. As will be seen below, the claimant is not the only productive member of Sports Solutions. There are a number of other physiotherapists working for Sports Solutions, even if the claimant sees more patients than the others.

19 In view of all of the foregoing, I find that the DR has correctly assessed that the claimant suffered no loss of pre-trial earnings or loss of future earnings. There is no merit in the RA. The claimant has failed to prove that he suffered or will suffer any loss of earnings because of his injuries.

It is not proven that any purported fall in Sports Solutions' revenue was a result of the claimant's injuries

20 In any event and for completeness only, I note that the claimant has not shown his injuries resulted in any loss of revenue of Sports Solutions. The DR set out the revenue of Sports Solutions in her GD for the years 2019- 2025, which I reproduced here for ease of reference:[17]

Year	Yearly revenue ($)	Monthly average ($)
2019	914,131.50	76,177.63
2020	724,543.00	60,378.58
2021	911,792.50	75,982.71

[17] Para 101 of GD.

Year	Yearly revenue ($)	Monthly average ($)
2022	677,580.00	56,465.00
2023	759,929.50	63,327.46
2024	780,654.00	65,054.50
2025 (January to August)	596,536.00	74,567.00

21 As seen, Sports Solutions' average monthly revenue was highest in 2019 and 2021. Whilst it went down in 2022, it began to pick up in 2023, and by 2025 was as high as in 2021. Therefore, firstly there is no clear evidence that the revenue of Sports Solutions declined since the Accident. Second and more pertinently, the DR also found that the claimant on average, treated more patients and generated more revenue monthly after the Accident than before.[18] This put paid to any contention that the claimant's injuries cause any fall in Sports Solutions' average revenue.

22 Third, as pointed out by the DR, the drop in Sports Solutions' average monthly revenue in 2022 was partly caused by a physiotherapist, Ms Wong's leaving Sports Solution and setting up a competing business and soliciting some of the claimant's patients.[19] Fourth, the DR found that the fall in Sports Solutions' revenue in 2022 was also partly as a result of Sports Solutions having fewer physiotherapists. For ease of reference, I reproduce the relevant part of the table set out by the DR in her GD as follows:[20]

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18 Para 53 of GD.

19 Paras 58-60 of GD.

20 See para 115 of GD.

Period	**Number of physiotherapists (other than the claimant)**
2021 (pre-Accident)	6
November/December 2021	4
April/May 2022	2
June/July 2022	3
2023	2
June/July 2024 to date	4

23 The claimant did not dispute at the AD that in 2022, there would have been at least two months where Sports Solutions only had three physiotherapists, and at least four months where it had four physiotherapists.[21] It should be noted that in 2021, before the Accident, when Sports Solutions had the highest average monthly revenue, it also had the highest number of physiotherapists, numbering seven. Two points arise here. First, as I have alluded to above, the claimant is not the only physiotherapist in Sports Solutions. Unlike the facts in each of the English cases he cited, he is not the sole person responsible for generating the revenue of the company. The claimant has no basis to attribute any fall in the revenue of Sports Solutions directly to the injuries he suffered. Second and relatedly, any fall in revenue of Sports Solutions could be due to other physiotherapists treating fewer patients.

24 Finally, and as well for completeness, the evidence shows that the claimant returned to work as early as 1 December 2021 (*ie*, three months after the Accident) and that he treated a higher average number of monthly patients

[21] NE, 16 October 2025, 19D – 20C.

post-Accident than he did pre-Accident. It is trite that loss of future earnings is a head of claim that seek to compensate an injured person for any reduction in his post-trial earnings as a result of the disability suffered: *Poh Huat Heng Corp Pte Ltd and others v Hafizu Islam Kofil Uddin* [2012] 3 SLR 1003, at [46]; and an award for loss of future earnings may only be made where there is a real assessable loss: *Teo Sing Keng v Sim Ban Kiat* [1994] 1 SLR(R) 340, at [38]. Plainly, there is no such evidence in the present case.

Conclusion

25 Following from all of the foregoing, the RA is dismissed. The claimant's approach to his claim for loss of earnings is wholly misplaced. Whether for pre-trial loss of earnings or loss of future earnings, the claimant has to prove losses he suffered or he would suffer personally by him. The claimant cannot make claims for losses suffered by an incorporated entity even if he is a shareholder of that entity.

26 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 RA. 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 RA, I fix costs at $5,000 (inclusive of disbursements), plus GST, to be paid by the claimant to the defendant. The costs ordered by the DR is to stand.

Chiah Kok Khun
District Judge

Roshan Singh Chopra and U Sudharshanraj Naidu (Selvam LLC) for the claimant;
Tan Seng Chew Richard and Annabelle Au Jia En (Tan Chin Hoe & Co) for the defendant.