

**IN THE APPELLATE DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

[2026] SGHC(A) 11

Appellate Division / Originating Application No 14 of 2026

Between

VietJet Aviation Joint Stock
Company

... Applicant

And

FW Aviation (Holdings) 1
Limited

... Respondent

JUDGMENT

[Civil Procedure — Appeals — Leave]
[Civil Procedure — Service — Substituted service out of jurisdiction under
the Rules of Court 2021]

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VietJet Aviation Joint Stock Co
v
FW Aviation (Holdings) 1 Ltd

[2026] SGHC(A) 11

Appellate Division of the High Court — Originating Application No 14 of 2026

Kannan Ramesh JAD and See Kee Oon JAD

13 March 2026

21 April 2026

See Kee Oon JAD (delivering the judgment of the court):

Introduction

1 AD/OA 14/2026 (“OA 14”) is VietJet Aviation Joint Stock Company’s (“Applicant”) application for permission to appeal against the decision of the judge of the General Division of the High Court (“Judge”; “High Court”) in HC/RA 247/2025 (“RA 247”). In RA 247, the Judge dismissed the Applicant’s appeal against the Deputy Registrar’s (“DR”) decision in HC/SUM 2400/2025 (“SUM 2400”) to, *inter alia*, refuse to set aside an order for substituted service outside of Singapore (“Substituted Service Order”) of: (a) an order registering as judgments of the Singapore High Court certain orders of the English High Court granted to FW Aviation (Holdings) 1 Limited (“Respondent”) against the Applicant (“Registration Order”); and (b) the notice of registration of a judgment of those orders (“Registration Notice”). The Substituted Service

Order was made pursuant to the Respondent’s application without notice in HC/SUM 2125/2025 (“SUM 2125”).

2 In OA 14, the Applicant argues that: (a) its appeal against the Judge’s decision would raise questions on the framework for substituted service out of Singapore under the Rules of Court 2021 (“ROC 2021”), which are questions of general principle decided for the first time and/or questions of importance upon which further argument and a decision of a higher tribunal would be to the public advantage; and (b) the Judge’s decision exhibited a *prima facie* case of error in his statement and application of the law in relation to substituted service out of Singapore under the ROC 2021, with the result that he had wrongly declined to set aside the Substituted Service Order.

3 We dismiss OA 14. The legal framework governing substituted service out of Singapore under the ROC 2021 is well-established and was correctly stated and applied by the Judge. That said, we note that there is limited jurisprudence in this area of law. We thus publish this judgment to provide guidance in this area.

Background

4 On 27 June 2025, the Respondent applied by HC/OA 660/2025 (“OA 660”) to register orders of the English High Court it had obtained against the Applicant, pursuant to the Reciprocal Enforcement of Foreign Judgments Act 1959 (2020 Rev Ed). On 1 July 2025, the High Court allowed OA 660 and made the Registration Order.

5 On 16 and 17 July 2025, the Respondent attempted to effect personal service of the Registration Notice, as required under O 60 r 7(2) of the

ROC 2021, on the Applicant in Vietnam through DHL’s private courier service (“July Service Attempts”). Under O 60 r 7(2), service of the Registration Notice out of Singapore is permissible without permission, and O 8 rr 2, 3, 7 and 8 of the ROC 2021 would apply. In the July Service Attempts, no accompanying translation of the papers into Vietnamese was attached. Both attempts were unsuccessful.

6 Relying on the unsuccessful July Service Attempts (under para 65(2) of the Supreme Court Practice Directions 2021, two reasonable attempts at personal service should be made before an application for substituted service could be filed), on 1 August 2025, the Respondent applied without notice by SUM 2125 for the Registration Notice and the Registration Order to be served on the Applicant in Vietnam by substituted service, by sending copies of these documents via e-mail, *ie*, the Substituted Service Order. The application was granted on the same day.

7 However, unlike the Registration Notice, permission to serve the Registration Order out of Singapore was required. Accordingly, on 20 July 2025, the Respondent was granted an order permitting him to serve the Registration Order out of Singapore by HC/SUM 1994/2025. On 4 August 2025, the Respondent attempted to serve the Registration Order and the Registration Notice on the Applicant by way of e-mail (“August Service Attempt”), pursuant to the Substituted Service Order. In the August Service Attempt, the papers were similarly not accompanied by a translation into the Vietnamese language.

8 On 25 August 2025, the Applicant filed SUM 2400 to *inter alia* set aside the Substituted Service Order. It argued that the July Service Attempts were

invalid under Vietnamese laws, and that substituted service of foreign processes by e-mail on a Vietnamese entity like the Applicant did not constitute valid service under Vietnamese laws. On 3 December 2025, this prayer was dismissed by the DR. The DR took the view that:

(a) The July Service Attempts could form a proper basis for an application for substituted service as Vietnamese law did not prohibit service by private couriers, and it was not practical for the Respondent to attempt to effect personal service again “because the evidence suggested that [the Applicant] would refuse to accept such service”.

(b) Substituted service by e-mail did not contravene Vietnamese laws.

9 The DR also found that the August Service Attempt was irregular under Vietnamese law and did not comply with O 8 r 2(4) of the ROC 2021, which required all court documents served out of Singapore to be accompanied by a translation in the official language of the foreign country. Hence, although the Applicant only applied to set aside the Substituted Service Order and not the *actual* substituted service of documents, the DR directed the Respondent to reserve on the Applicant a translated version of the relevant documents.

10 On 17 December 2025, the Applicant appealed against the DR’s decision by RA 247.

Arguments and decision below

11 In RA 247, the Applicant argued that: (a) the July Service Attempts were invalid under Vietnamese laws because service using private courier was not permitted, and there was no accompanying translation into the Vietnamese

language of the documents sought to be served (“Purported Translation Requirement”); and (b) Vietnamese law did not allow for a foreign process to be served on a Vietnamese entity, which the Applicant was, through e-mail.

12 The Judge dismissed RA 247, holding, *inter alia*, that:

(a) Issues pertaining to substituted service are matters for Singapore law alone; Vietnamese law was irrelevant. Under O 7 r 7(1) of the ROC 2021, the test for substituted service only had one criterion – that of impracticality of personal service. There was no requirement to demonstrate that efforts made to serve were valid. Indeed, it is quite common, in cases of urgency or where the court is dealing with a defendant who is likely to evade service, that substituted service can be obtained even without any prior attempts at service. On the facts of RA 247, the Judge was satisfied that personal service was impractical, regardless of whether the July Service Attempts were valid under Vietnamese law. To this end, he relied on the evidence that the Applicant’s representatives were, at the very least, making it difficult to be served, if not outright evading service.

(b) In any event, the July Service Attempts were valid. Vietnamese law did not disallow service through private courier. The Judge did not appear to have made any finding as to whether the July Service Attempts were invalid for breaching the Purported Translation Requirement.

(c) As regards the means of substituted service, Vietnamese law was not relevant; Singapore law would apply exclusively instead. In this regard, substituted service by e-mail would effectively bring the documents to the Applicant’s notice.

13 Dissatisfied with the Judge’s decision, the Applicant filed OA 14.

Parties’ arguments in OA 14

14 There are three non-exhaustive categories of cases in which the courts will grant an application for permission to appeal: (a) there is a *prima facie* case of error; (b) there is a question of general principle decided for the first time; and (c) there is a question of importance upon which further argument and a decision of a higher tribunal would be to the public advantage. A common requirement for all three grounds is that the denial of permission must result in a miscarriage of justice: *Soo Hoo Khoon Peng v Management Corporation Strata Title Plan No 2906* [2024] 4 SLR 824 at [4]–[6].

15 The Applicant brings OA 14 on two broad grounds. First, it argues that its intended appeal would present questions of general principle decided for the first time and/or questions of importance upon which further argument and a decision of a higher tribunal would be to the public advantage, as follows:

- (a) whether substituted service out of Singapore is permitted under the ROC 2021;
- (b) if so, whether such service would be governed by O 7 r 7, O 8 r 2(1), or any other provision of the ROC 2021; and
- (c) what the applicable test for such service is.

We refer to these questions collectively as the “Substituted Service Out Question”.

16 Second, the Applicant argues that the Judge’s decision exhibited a *prima facie* case of error, in three aspects:

(a) First, the Judge erred in regarding impracticality as the single test for allowing substituted service out of Singapore, where the attempts at personal service had contravened foreign law and O 8 rr 2(4) and (5) of the ROC 2021. In such a case, comity is also a governing consideration. Had the Judge given proper weight to comity, he should have set aside the Substituted Service Order (“Purported Impracticality Requirement Error”).

(b) Second, the Judge erred in considering that O 8 of the ROC 2021 did not apply because the Registration Notice was “not a Court-issued document”. Had the Judge applied O 8 of the ROC 2021, as he should have, he would have given proper weight to comity, the Purported Translation Requirement, and O 8 rr 2(4) and 2(5) of the ROC 2021. Consequently, he would have set aside the Substituted Service Order (“Purported Court-issued Document Error”).

(c) Third, the Judge erred in concluding that the July Service Attempts were valid. He erroneously disregarded the fact that those attempts contravened the Purported Translation Requirement and O 8 rr 2(4) and 2(5) of the ROC 2021. Had the Judge found otherwise, he would have set aside the Substituted Service Order (“Purported Valid Service Error”).

17 The Respondent, on the other hand, argues preliminarily that the application should be dismissed because no permission is required to appeal the Judge’s decision in RA 247. This was because the Judge’s decision to dismiss

RA 247 is neither an interlocutory order nor one made at the hearing of an interlocutory application. Further, the Respondent argues that: (a) there is no evidence to suggest that the July Service Attempts failed to comply with Vietnamese law; (b) the Judge did not err in solely applying the test of impracticality, which the Applicant did not dispute; (c) “[t]he Judge’s view that [O 8 r 2 of the ROC 2021] was not relevant to substituted service [had] nothing to do with whether the Registration Notice is or is not a Court-issued document” [emphasis in original omitted]; and (d) the Applicant was effectively seeking a second round of appeal to challenge the Judge’s findings of fact, which would not, barring exceptional circumstances, be permissible.

Issues to be determined

18 Based on the parties’ arguments, the following issues arise for our determination:

- (a) Whether the Substituted Service Out Question is a question of general principle decided for the first time and/or question of importance upon which further argument and a decision of a higher tribunal would be to the public advantage, which would arise in the Applicant’s purported appeal.
- (b) Whether the Judge’s decision exhibited a *prima facie* case of error which would cause a miscarriage of justice against the Applicant.

Preliminary issues

19 The Respondent’s preliminary argument is that no permission is required to appeal against the Judge’s decision to uphold the DR’s refusal to set aside the Substituted Service Order, because this decision is neither an

interlocutory order nor an order made at a hearing for an interlocutory application (see [17] above).

20 We reject this argument. By s 29A(1)(c) read with para 3(l) of the Fifth Schedule of the Supreme Court of Judicature Act 1969 (2020 Rev Ed), permission of the appellate court is required to appeal against a decision of the General Division of the High Court “where a Judge makes an order at the hearing of any interlocutory application” other than any of the stipulated exceptions (which does not include one for setting aside an order for substituted service). In *Commodities Intelligence Centre Pte Ltd v Hoi Suen Logistics (HK) Ltd* [2022] 1 SLR 845 (“*Commodities Intelligence*”), the Court of Appeal explained (at [21]) that two conjunctive prerequisites must be satisfied before permission to appeal is required: (a) there must be an *interlocutory order*; (b) made at the hearing of an *interlocutory application*. In that case, the order dismissing the application to set aside an order granting the respondent leave to enforce an arbitral award did not arise from an interlocutory *application*, for it fully disposed of parties’ substantive rights; there was nothing further for the first instance judge to deal with. The parties also accepted that the said order was not an interlocutory *order*, but a final order (*Commodities Intelligence* at [20] and [21]).

21 In contrast, the Substituted Service Order merely granted the Respondent permission to *effect service* of the Registration Order and Registration Notice on the Applicant by *substituted service* (see [6] above). Such an order does nothing to fully determine the Respondent’s rights in OA 660, an application to register foreign orders as judgments of the Singapore High Court (see [4] above). It is, rather, merely procedural in nature. The Judge’s decision denying the application to set aside the Substituted Service

Order was thus an interlocutory order, which arose from an interlocutory application. Permission to appeal against his decision is accordingly required.

22 Having rejected the Respondent’s argument in this regard, we also note the Applicant’s contention that it should be given permission to file reply submissions because the Respondent’s preliminary argument, amongst other arguments, was a new argument raised for the first time. We disagree. On the Applicant’s preliminary argument, for the reasons we have explained above, we do not accept it. Accordingly, we did not see the need for the Applicant to respond to this argument. The Applicant is not prejudiced by reason of the Respondent’s preliminary argument. As to the other arguments raised by the Respondent, we broadly agree with the Respondent that they were already raised previously. The Applicant could have responded to them in its original written submissions if it had wanted to.

23 With that, we turn to consider OA 14 substantively.

The Substituted Service Out Question

24 We begin with the Substituted Service Out Question. We agree with the Respondent that the answer to the Substituted Service Out Question is already unambiguously established. To appreciate why this is so, it would be helpful to first consider the law on applications for substituted service out of jurisdiction under the Rules of Court (2014 Rev Ed) (“ROC 2014”). Under the ROC 2014, O 62 r 5 empowered the court to order substituted service, and O 11 r 3(1) made O 62 r 5 applicable to an application for substituted service out of Singapore:

**Service of originating process abroad: Alternative modes
(O. 11, r. 3)**

3.—(1) Subject to paragraphs (2) to (8), Order 10, Rule 1 and ***Order 62, Rule 5 shall apply in relation to the service of an originating process out of Singapore.***

...

Substituted service (O. 62, r. 5)

5.—(1) If, in the case of any document which by virtue of any provision of these Rules is required to be served personally on any person, it appears to the Court that it is ***impracticable*** for any reason to serve that document personally on that person, the Court may make an order in Form 136 for substituted service of that document.

...

(3) Substituted service of a document, in relation to which an order is made under this Rule, is effected by taking such steps as the Court may direct to bring the document to the notice of the person to be served.

...

[emphasis in original in bold; emphasis added in bold italics]

25 It is well-established that the sole consideration under the ROC 2014 for granting an order for substituted service, whether in or out of Singapore, was the impracticability of effecting personal service: see *CLM v CLN* [2022] 5 SLR 273 (“*CLM v CLN*”) at [77]–[82]; *Petroval SA v Stainby Overseas Ltd* [2008] 3 SLR(R) 856 at [26].

26 In our judgment, it is clear that the availability of and the requirements for substituted service out of Singapore remain the same under the ROC 2021. It is true, as observed in *Janesh s/o Rajkumar v Unknown Person* (“*CHEFPIERRE*”) [2023] 3 SLR 1191 (“*Janesh*”) (at [85]–[86]), and as the Applicant argues, that the ROC 2021 does not contain an equivalent provision to O 11 r 3(1) of the ROC 2014, and that O 7 r 7 of the ROC 2021 (the provision governing substituted service) is set out under the header of “Service in Singapore”. This might suggest at first blush that there is ambiguity as to

whether service out of Singapore is allowed under the ROC 2021, and, if it is, which provision and test govern it.

27 On a closer analysis, that, however, is not truly the case. As explained in *Janesh* (at [87]–[90]), there is nothing in the ROC 2021 which suggests that the Civil Justice Commission had, in formulating the ROC 2021, intended to drastically change the civil procedure regime by removing the longstanding power of the court to allow substituted service out of Singapore:

87 The claimant argued that the court did retain the discretion to allow substituted service out of Singapore under the ROC 2021. Here, O 8 r 2(1) prescribed a “non-exhaustive list of ways in which originating processes and court documents [could] be served out of Singapore”. This was because O 8 r 2(1) omits the use of imperative language, and merely states that “service of the originating process or other court documents ***may*** be effected out of Singapore in the following manner” [emphasis added in bold italics]. Further, O 8 r 2 did not prescribe a closed list given that between O 8 r 2(1)(e) and O 8 r 2(1)(f), the word “or” between these two sub-provisions was not used. In contrast, other provisions in the ROC 2021 appeared to prescribe a closed list, for example, O 6 r 1(3), which states:

Mode of commencing proceedings (O. 6, r. 1)

6.—(1) ...

(3) A claimant must commence proceedings by an originating application where —

- (a) these Rules or any written law require it;
- (b) the proceedings concern an application made to the Court under any written law; **or**
- (c) the proceedings concern solely or primarily the construction of any written law, instrument or document or some question of law and the material facts are not in dispute.

[emphasis added in bold]

88 I agreed with this analysis. In my view, O 8 r 2(1) did not appear to prescribe a closed list as to how service of the

originating process or other court documents could be effected out of Singapore. This conclusion is bolstered by the observations made by the drafters of the ROC 2021 in the Civil Justice Commission, *Civil Justice Commission Report* (29 December 2017) at Chapter 6: Service out of Singapore (Chairman: Tay Yong Kwang), which stated:

Scope

1 This Chapter sets out the provisions governing service of originating processes and other court documents out of Singapore. It largely retains the existing Order 11 with a simplification and rearrangement of its provisions.

Service out of Singapore with Court's approval

2 Instead of enumerating all the permissible cases for service of an originating process out of Singapore, Rule 1(1) prescribes the criteria for **obtaining the Court's approval for service out of Singapore, namely showing** that the Court has the jurisdiction or is the appropriate court to hear the case. This makes it unnecessary for a claimant to scrutinise the long list of permissible cases set out in the existing Rules in the hope of fitting into one or more descriptions. It also avoids the possibility that a particular category of cases which could and should be heard in Singapore is actually not in the list.

[emphasis added in bold]

89 What is clear is that the ROC 2021 was not intended to drastically change the regime relating to jurisdiction in general, and the service of originating processes or other court documents out of Singapore. Rather, the intention was to simplify things, for example, by obviating the need for a claimant to scrutinise a list of cases in which service out of Singapore is permissible.

90 As a final point, the power of the court to allow substituted service out of jurisdiction is one of considerable vintage (see, eg, *Porter v Freudenberg* [1915] 1 KB 857 at 889), having been expressed in O 62 r 5 of the ROC 2014 (see, eg, *Petroval SA v Stainby Overseas Ltd and others* [2008] 3 SLR(R) 856; *Consistel Pte Ltd and another v Farooq Nasir and another* [2009] 3 SLR(R) 665; *Storey, David Ian Andrew v Planet Arkadia Pte Ltd and others* [2016] SGHCR 7). If the drafters of ROC 2021 had intended to curtail the court's power in such a radical fashion, there would have been express and specific language to that effect.

[emphasis in original in italics and bold; emphasis added in underline]

28 In fact, O 7 rr 7(1) and (2) of the ROC 2021, which set out the requirements for substituted service, remain effectively the same as their predecessors under O 62 r 5 of the ROC 2014 (see [24] above) (see *Singapore Rules of Court – A Practical Guide* (Chua Lee Ming editor-in-chief) (Academy Publishing, 2023) at para 07.037; *Singapore Civil Procedure* (Cavinder Bullgen ed) (Sweet & Maxwell, 2026) at para 7/7/1):

Substituted service (O. 7, r. 7)

7.—(1) If a document is required to be served personally and it is ***impractical*** to serve it personally, a party may apply to serve it by substituted service.

(2) The Court may order any method of substituted service that is effective in bringing the document to the notice of the person to be served, including the use of electronic means.

...

[emphasis in original in bold; emphasis added in bold italics]

29 Further, the drafters of the ROC 2021 in the Civil Justice Commission, *Civil Justice Commission Report* (29 December 2017) at Chapter 5: Service in Singapore (Chairman: Justice Tay Yong Kwang) made it clear that O 7 of the ROC 2021 was introduced to simplify and consolidate the existing provisions on substituted service and not effect any change:

This Chapter sets out the provisions governing service of documents in Singapore. It simplifies and consolidates the existing Orders 10 and 62. It explains how personal service, ordinary service and substituted service are effected.

30 It is therefore clear that the Civil Justice Commission did not intend to change the law on substituted service out of Singapore by ROC 2021. The test for substituted service out would remain the same as that under ROC 2014,

ie, the sole focus is on impracticality of personal service. The Applicant however submits otherwise. It argues that while the judge in *Janesh* took the view that substituted service out of Singapore was governed by O 8 r 2(1) of the ROC 2021, the Judge took the contradictory view that such a form of service was governed by O 7 r 7 of the ROC 2021. Reference was made to the High Court Registry's decision in *Guanghua SS Holdings Ltd v Lim Yew Cheng* [2023] SGHCR 7 interpreting *Janesh*. We do not agree with this reading of *Janesh*. With respect, it was inaccurate to say that the court in *Janesh* was of the view that O 8 r 2 of the ROC 2021 governed substituted service out of Singapore. This can be gleaned from the extract from *Janesh* reproduced above (especially the underlined portions at [88]). Instead, *Janesh* was merely explaining that O 8 r 2 of the ROC 2021 did not provide an exhaustive list of the manner in which substituted service out of Singapore could be effected. However, the test for whether substituted service should be ordered is impracticality as provided in O 7 r 7(1) of the ROC 2021. This is evident from how, in considering the issue of whether such an application should be granted, *Janesh* had (at [91]) *only* applied the test of impracticality:

91 In the present case, bearing in mind the Ideals set out in the ROC 2021, I was satisfied that leave should be given for substituted service out of jurisdiction. ***To find otherwise would be to deprive the claimant of the only practical manner of effecting service on the defendant.*** [emphasis added in bold italics]

31 For these reasons, the Substituted Service Out Question is not a question of general principle decided for the first time and/or a question of importance upon which further argument and a decision of a higher tribunal would be to the public advantage. The answer to this question (see [15] above) is, in fact, already unambiguously established under the law:

- (a) Substituted service out of jurisdiction is permissible under the ROC 2021.
- (b) This process is governed by O 7 r 7 of the ROC 2021, just as O 62 r 5 used to govern the same under the ROC 2014.
- (c) The test to be applied in determining an application for substituted service out of jurisdiction remains one of impracticability of personal service.

32 In this last regard, the Applicant places heavy emphasis on the situation “where the original attempts at personal service were incurably defective”. This argument does not assist it. While para 65(2) of the Supreme Court Practice Directions 2021 states that two reasonable attempts at personal service should be made before an application for an order for substituted service is filed, this was never an immutable rule under the ROC 2014, and the inquiry remains whether personal service is impracticable. Indeed, as the Respondent argues, the courts have, under the ROC 2014, granted orders for substituted service even when no prior attempt at service had been attempted: see, *eg*, *CLM v CLN* at [82] (see also, *eg*, *Consistel Pte Ltd v Farooq Nasir* [2009] 3 SLR(R) 665 at [30] and [35]):

82 In the circumstances of the present case, I was of the view that the *only practical means* by which the plaintiff could effect service on the fourth and fifth defendants was by way of e-mail and that that mode of service would bring the Writ to the notice of those defendants. Hence, I ***dispensed with the requirement of two prior reasonable attempts at personal service under para 33(2) of the Supreme Court Practice Directions*** and granted the plaintiff’s application for leave to serve the fourth and fifth defendants via substituted means, *viz*, by way of e-mail. [emphasis added in bold italics]

33 Applying a similar analysis as that applied earlier, the position under the ROC 2021 remains the same. The Substituted Service Out Question therefore does nothing to justify granting OA 14.

Whether there is a *prima facie* case of error

34 We turn to consider if there is a *prima facie* case of error in the Judge’s decision. In our judgment, for the same reasons as those canvassed on the Substituted Service Out Question, there is no *prima facie* case of error on the basis of the Purported Impracticality Requirement Error.

35 The Purported Court-issued Document Error does not assist the Applicant as the Judge’s observations in this regard did not even form part of his decision, but were merely part of his queries to counsel while the latter was making submissions. In any event, as just explained, the relevant inquiry in an application for substituted service out of Singapore is whether personal service is impractical.

36 This segues into the reason why the Purported Valid Service Error does not assist the Applicant. This purported error is a red herring. As explained above (at [32]), there was never an immutable requirement under the Supreme Court Practice Directions 2021, much less under the ROC 2014 or the ROC 2021, that for the court to grant substituted service out of Singapore, it must first be shown that the applicant had sought to make two prior *valid* attempts at service. Whether the Respondent’s prior attempts at service on the Applicant were valid is thus irrelevant.

37 In this regard, O 8 r 2 of the ROC 2021 (like O 11 r 3 of the ROC 2014), addresses the *distinct* issue of what constitutes valid service. This issue is not

before the court presently. Neither was it before the Judge or the DR (see [9] above). Rather, the issue in the proceedings thus far has been whether the court should have granted the Respondent permission to effect service on the Applicant by way of substituted service, through the Substituted Service Order. In this regard, the Judge had directed himself to the correct inquiry when he found that the Respondent had demonstrated that personal service was impractical by relying on “the evidence that the [Applicant’s] representatives were, at the very least, making it more difficult to be served, if not outright evading service, in order to avoid having notice of the [Registration Order and Registration Notice]”.

38 This being so, any intended appeal against the Judge’s decision by the Applicant would have to be premised on a purported error of fact. This is impermissible, save in exceptional circumstances where the error is “obvious from the record and clear beyond reasonable argument”: *Udenna Corp v Pertamina International Marketing & Distribution Pte Ltd* [2025] 1 SLR 19 at [25]. There is nothing suggesting such exceptional circumstances in this case. There is therefore no *prima facie* case of error with the Judge’s decision.

Conclusion

39 For these reasons, we dismiss OA 14. Having regard to Appendix G of the Supreme Court Practice Directions 2021 and the complexity of the matter,

we award costs of \$8,000 (all in) to the Respondent. The usual consequential orders are to apply.

Kannan Ramesh
Judge of the Appellate Division

See Kee Oon
Judge of the Appellate Division

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