IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2026] SGHC 103

Originating Claim No 150 of 2025 (Registrar's Appeal Nos 1 and 2 of 2026)

Between

Hu Yinan

… *Claimant*

And

(1) Peh Chin Hua
(2) White Group Pte Ltd
(3) Michael ET Chan

… *Defendants*

GROUNDS OF DECISION

[Civil Procedure — Production of Documents — List of Documents]
[Civil Procedure — Inspection of Documents]

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Hu Yinan
v
Peh Chin Hua and others

[2026] SGHC 103

General Division of the High Court — Originating Claim No 150 of 2025
(Registrar's Appeal Nos 1 and 2 of 2026)
Chua Lee Ming J
11 March 2026

14 May 2026

Chua Lee Ming J:

Introduction

1 HC/RA 1/2026 ("RA 1") was the first and second defendants' appeal against an order made by the Assistant Registrar ("AR") requiring them to produce three categories of documents. HC/RA 2/2026 ("RA 2") was the claimant's appeal against the AR's order requiring him to produce the originals (in native format) of three classes of documents described in the claimant's second list of documents dated 14 July 2025 ("CLOD2") for the first and second defendants' inspection.

2 The issue in RA 1 was whether the claimant was entitled to production of documents so long as they related to facts pleaded in the first and second defendants' defence. RA 2 concerned the scope of the classes of documents disclosed by the claimant in CLOD2.

3 The claimant's claims were for misrepresentation, conspiracy to injure, breach of trust and unjust enrichment in connection with the lending of certain shares. The details of the claims are not necessary for the purposes of these grounds of decision.

RA 1

4 RA 1 was the first and second defendants' appeal against the AR's order requiring them to produce three categories of documents.

5 With respect to two of the categories, the claimant's submission was that he was entitled to the documents sought because they related to facts pleaded in the first and second defendants' defence. The claimant argued that since only material facts needed to be pleaded, the facts pleaded in the first and second defendants' defence were therefore material.

6 I disagreed with the claimant's submission that he was entitled to the documents in these two categories simply because they related to facts pleaded in the first and second defendants' defence.

7 Order 11 r 3(1)(*b*) of the Rules of Court 2021 ("ROC 2021") states in no uncertain terms that an order for production of documents will be made only if the requesting party "shows that the requested documents are material to the *issues in the case*" [emphasis added in italics]. It is not sufficient that the requested documents relate to material facts in pleadings; the requested documents must be shown to be material *to the issues in the case*.

8 The issues in a case will be determined by reference to the parties' pleaded cases: *Eng's Wantan Noodle Pte Ltd v Eng's Char Siew Wantan Mee Pte Ltd* [2023] SGHCR 17 ("*Eng's Wantan Noodle*") at [49(a)]. However, this

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does not mean that every pleaded fact gives rise to an issue in the case. Documents that are material to the issues in the case must have a significant bearing on an issue in the case, such that it could potentially affect the court's ultimate decision: *Eng's Wantan Noodle* at [49(b)]. Production should not be ordered on irrelevant allegations in pleadings, which, even if substantiated, cannot affect the result of the action: *Eng's Wantan Noodle* at [57].

9 The claimant was unable to show how the requested documents were material to the issues in the present case. The pleaded facts in question were not in dispute between the parties. Accordingly, I allowed the appeal with respect to these two categories of documents.

10 For completeness, with respect to the third category, the first and second defendants argued that the documents were not identified with sufficient particularity. Before me, the claimant provided the particularity sought by narrowing the scope of this category. It was not disputed that the documents in this category (as amended) were material to the issues in the case. However, the first and second defendants disputed the existence of the documents sought. In the circumstances, I varied the AR's order to an order requiring the first and second defendants to file an affidavit in response to the claimant's request for documents in this amended category.

RA 2

11 RA 2 was the claimant's appeal against the AR's order requiring him to produce the originals (in native format) of three classes of documents disclosed in CLOD2. The dispute before me concerned the scope of the classes of documents disclosed.

12 The documents in question were described in CLOD2 as follows:

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Serial No	**Brief description**
C008	Weixin messages between the Claimant and the 3rd Defendant, with media attachments
C009	Weixin messages between Ms Li Li ("Ms Li") and the 3rd Defendant, with media attachments
C010	Weixin messages sent in a group chat consisting of Ms Li, the 3rd Defendant and one Feng Zhuojun, an employee of Leading Fantasy Limited, with media attachments.

13 Pursuant to O 11 r 2 of ROC 2021, the claimant had to serve CLOD2 on the first and second defendants and also provide them with copies of the documents disclosed in CLOD2. The claimant did so by way of a letter dated 14 July 2025 from his solicitors, Braddell Brothers LLP, to the first and second defendants' solicitors, Fullerton Law Chambers LLC ("BB Letter"). The BB Letter enclosed CLOD2 and, with respect to categories C008 to C010 ("C008 to C010"), copies of extracts of various Weixin messages that fell within the descriptions in C008 to C010. The BB Letter also stated that the claimant was only producing the documents that were enclosed with the letter.

14 On 17 September 2025, the first and second defendants applied for an order under O 11 r 12 of ROC 2021 for the claimant to produce the originals of *all* documents falling within the descriptions in C008 to C010 in CLOD2 for the first and second defendants' inspection. Order 11 r 12 states as follows:

Inspection of original of document produced (O. 11, r. 12)

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> **12.**—(1) If a party requests to inspect the original of any document produced, the party who produced the document must arrange a mutually convenient time and place for the inspection to take place.
>
> (2) Such inspection must take place within 14 days after the request unless the parties otherwise agree.
>
> (3) If the party who produced the document fails to comply with paragraph (1) or (2), the requesting party may apply to the Court to compel that party to do so.

15 The first and second defendants' position was that the descriptions in C008 to C010 were not limited to the extracts provided by the claimant and that they were therefore entitled to inspect all documents falling within the descriptions. The claimant's position was that CLOD2 had to be read with the BB Letter, which stated that he would be producing only the documents that were enclosed with the letter.

16 The AR granted the first and second defendants' application on the basis that the claimant had chosen to describe C008 to C010 as classes of documents, instead of specific documents. She concluded that the first and second defendants were entitled to inspect the originals of all documents that fell within the descriptions in C008 to C010 and not just the documents that the claimant had intended to disclose.

17 Before me, the parties' respective positions were similar to their positions before the AR. The question that had to be decided was what documents did the claimant disclose or produce with respect to C008 to C010?

18 Unlike the Rules of Court (2014 Rev Ed) ("ROC 2014"), ROC 2021 does not prescribe any form for the list of documents. Nevertheless, under ROC 2021, documents should continue to be enumerated in a convenient order. Although they may continue to be described as shortly as possible in a list of

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documents as either specific documents or classes of documents, the descriptions should be sufficient to enable the documents to be identified. Parties must endeavour to be as specific as possible when describing documents as a class.

19 In the present case, the claimant could have been more specific in his descriptions of the classes of documents in C008 to C010. Nevertheless, it was clear to me that the claimant's disclosure or production of the documents described in C008 to C010 was limited to only the documents that were enclosed with the BB Letter.

20 First, the claimant's position was stated clearly in the BB Letter. I disagreed with the first and second defendants' argument that the BB Letter could not qualify the unqualified scope of C008 to C010. The claimant had made his position patently clear in the BB Letter. There was no reason to ignore it.

21 The first and second defendants referred me to *Ser Kim Koi v Fulton William Merrell* [2008] 2 SLR(R) 1063 ("*Ser Kim Koi*"). In that case, the court held (at [13]–[14]) as follows:

> (a) With respect to amendments to a list of documents involving documents for which privilege was asserted, the court would decide whether the documents were privileged or not and allow or disallow the amendment accordingly.
>
> (b) With respect to amendments involving documents alleged to be irrelevant, the court would not permit amendment of the lists to remove those documents. If the documents were truly irrelevant, they did not

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need to be produced for inspection, and the court could inspect the documents and decide on relevance.

22 In my view, nothing in *Ser Kim Koi* assisted the first and second defendants in the present case. The question here was what documents did the claimant disclose or produce with respect to C008 to C010?

23 Second, O 11 r 2 of ROC 2021 states as follows:

> **Order for production (O. 11, r. 2)**
>
> **2.**—(1) The Court may, at a case conference, order that the parties in an action must within 14 days after the date of the case conference, exchange a list of and a copy of all documents in their possession or control, which fall within one or more of the following categories:
>
> (*a*) all documents that the party in question will be relying on;
>
> (*b*) all known adverse documents;
>
> (*c*) where applicable, documents that fall within a broader scope of discovery —
>
> (i) as may be agreed between the parties or any set of parties; or
>
> (ii) as ordered by the Court.

24 Order 11 r 2(1) makes it clear that the production of documents is carried out by way of exchanging or providing a list of documents *and* copies of all the documents described in the list. This is different from ROC 2014, under which discovery of documents was given by way of a list of documents only (O 24 r 1 of ROC 2014); the party on whom the list was served had a separate right to inspect and take copies of the documents referred to in the list (O 24 r 9 of ROC 2014).

25 Thus, under ROC 2021, the scope of the documents being disclosed or produced by a party can be determined by the list of documents *and* the copies

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of the documents provided together with the list. In the present case, therefore, the documents produced by the claimant with respect to C008 to C010 were limited to the documents that the claimant had provided copies of together with CLOD2. This was not a case where documents had been inadvertently omitted from the copies of documents that were provided. It was clear that the documents that had been provided were all the documents that the claimant had intended to produce with respect to C008 to C010.

26 The claimant also submitted that since O 11 r 12 of ROC 2021 refers to inspection of the original of "any document produced", that meant that the first and second defendants were entitled to inspect only the original of any document which had in fact been produced. I disagreed with the claimant's narrow interpretation of the term "produced". As the court observed in *Eng's Wantan Noodle* (at [38]), the term "production" in ROC 2021 is used in place of what was traditionally referred to as "discovery" in ROC 2014. Production of documents under ROC 2021 involves exchanging or providing a list of documents *and* copies of all the documents described in the list (see [24] above). The expression "any document produced" in O 11 r 12 of ROC 2021 should be interpreted to include any document identified in the list of documents.

27 I allowed RA 2 and varied the AR's order to allow inspection of the originals of only the documents that were provided by the claimant with respect to C008 to C010.

How inspection should take place

28 A question also arose as to how the inspection should take place. The documents that were provided with respect to C008 to C010 were Weixin messages found on the electronic devices of Ms Li and the claimant, both of

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whom were based in China. It was not disputed that Weixin messages cannot be exported in their native format.

29 Before me, the first and second defendants suggested that the claimant could either fly to Singapore with his phone or provide them with his Weixin account details so that they could log into his account from a computer in Singapore to verify the Weixin messages provided by the claimant. In my view,

(a) the suggestion that the claimant should provide the first and second defendants with his Weixin account details was clearly not appropriate; and

(b) instead of requiring the claimant to fly to Singapore just so that the messages in his phone could be inspected, it made more sense for the claimant to engage lawyers in China to compare the Weixin messages provided by the claimant with the messages in the claimant's phone and to file an affidavit stating their findings.

30 The claimant had no objections to having lawyers in China confirm the authenticity of the Weixin messages provided by the claimant. The first and second defendants were content to leave it to the court. Accordingly, I directed the claimant to engage lawyers in China to compare the Weixin messages provided by the claimant with the messages in the claimant's phone and/or Ms Li's phone and to file an affidavit stating their findings within four weeks.

Conclusion

31 For the reasons stated above, I allowed RA 1, save with respect to the amended category 2. I ordered the first and second defendants to file an affidavit in response to the amended category 2.

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32 I allowed RA 2 and varied the AR's order to limit inspection to the originals of the documents that the claimant had provided with the CLOD2. I ordered the claimant to engage lawyers in China to compare the Weixin messages provided by the claimant with the messages in the claimant's phone and/or Ms Li's phone and to file an affidavit stating their findings within four weeks.

33 As the first and second defendants had largely prevailed in RA 1 and the claimant had largely prevailed in RA 2, I ordered each party to bear their own costs in the appeals.

Chua Lee Ming
Judge

Kronenburg Edmund Jerome, Tang Kai Qing and Chi Hui Shuen Euodia (Braddell Brothers LLP) for the claimant;
Eng Zixuan Edmund, Marianne Goh Jingyi, Cui Shenzhi and Ang Mei Jun Sophie (Fullerton Law Chambers LLC) for the first defendant and second defendant;
The third defendant absent and unrepresented.

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