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DISTRICT JUDGE TAY JINGXI

18 SEPTEMBER 2026

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGMC 108

Magistrate's Court Originating Claim No 10825 of 2024

Between

Ng Soon Hin

... Claimant

And

Eugene Loh

... Defendant

JUDGMENT

[Tort] – [Defamation] – [Publication]

[Tort] – [Defamation] – [Natural and ordinary meaning of offending words]

[Tort] – [Defamation] – [Justification]

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Ng Soon Hin

v

Eugene Loh

[2026] SGMC 108

Magistrate's Court Originating Claim No 10825 of 2024
District Judge Tay Jingxi
29 June 2026, 18 August 2026

18 September 2026

Judgment reserved.

District Judge Tay Jingxi

I. Introduction.

1 The Claimant, Mr Ng Soon Hin, is a businessman.¹ He is also known socially – including by the Defendant – as “Dave Ng”.² The Defendant, Mr Eugene Loh, practises as a geomancer.³ Sometime in 2021, the parties struck up a friendship after the Claimant started visiting a particular temple at which the Defendant provided prayer and geomancy-related services.⁴

¹ Statement of Claim (“SOC”) at [1]. Defence (amendment no. 1) (“AD”) at [1].

² SOC at [4]. AD at [4].

³ Defendant's AEIC (“DAEIC”) at [5]. See too Notes of Evidence (“NE”) on page 88, lines 17-18.

⁴ Claimant's AEIC (“CAEIC”) at [5] to [7]. DAEIC at [5]. See too NE on page 88, lines 19-29.

2 Sometime in late 2021 or early 2022, the parties fell out.⁵ The reason for this falling-out is disputed, but the parties agree that their relationship soured thereafter and never recovered.⁶

3 The Claimant pleads that between February and May 2024,⁷ the Defendant made a total of eight identified Facebook posts (the “**Eight Posts**”) and one live broadcast on Facebook which aired on 14 May 2024 (the “**14 May Broadcast**”) using his Facebook account under the name “罗富云”, which is anglicised as “Luo Fu Yun” (the “**LFY Account**”).⁸ The Claimant alleges that the contents of these Eight Posts and the 14 May Broadcast defamed him.⁹

4 The contents of the Eight Posts, translated from Chinese to English where applicable, are as follows:

(a) On 16 March 2024, the Defendant stated: “*I saw our neighbour dog Dave shitted a pool of smelly poop on the road and ate it bad ! It’s so disgusting* □ 🤢🤢🤢🤢🤢🤢🤢🤢🤢🤢🤢🤢🤢🤢” (the “**First Post**”).¹⁰ I note that the SOC and ASOF¹¹ inaccurately replicate this post as “*his* neighbour dog Dave”, when the actual post has been translated as “*our* neighbour dog Dave”.¹² I treat the references at [6(b)i]

⁵ CAEIC at [10] to [11]. DAEIC at [6].

⁶ *Ibid.*

⁷ SOC at [6].

⁸ Agreed Statement of Facts (“**ASOF**”) at [5].

⁹ SOC at [8] to [9].

¹⁰ SOC at page 6.

¹¹ Agreed Bundle of Documents (“**AB**”) at 48 to 53.

¹² SOC at [6(b)i].

of the SOC and [5(c)i] of the ASOF as editorial errors and refer to the original post for its actual contents.

(b) On 11 April 2024, the Defendant stated: “*One person with three fake accounts. Ba Zhang ,seng toh toh + Jonathan Lin = Dave*” (the “**Second Post**”).¹³ There is another editorial error in the SOC at [6(b)ii] and the ASOF at [5(c)ii]; they replicate “Jonathan **Lin**” in the original post as “Jonathan **Lim**”. I will refer to the original post for its actual contents.

(c) On 11 April 2024, the Defendant stated: “*Don’t forget that incident which you posted a sex video of someone’s wife 😏 Whether it is a fake account or a personal computer to log into Facebook, it will definitely be found. You can try it if you don’t believe 😏 I’ll do a live stream to reveal a little more when I have time*” (the “**Third Post**”).¹⁴

(d) On 12 April 2024, the Defendant posted: “*knn boh dai boh ji use your fake account seng toh toh come disturb me and den now wanna act pitiful! Wear skirt la!*” (the “**Fourth Post**”).¹⁵ Again, I note that the SOC at [6(b)iv] and ASOF at [5(c)iv] wrongly replicate the words “*knn boh dai boh ji*” as “*knn bod ai boh ji*”.

(e) On 12 April 2024, the Defendant stated: “*... this useless Dave seng toh toh*” (the “**Fifth Post**”).¹⁶

¹³ SOC at [6(b)ii] and page 12.

¹⁴ SOC at [6(b)iii] and page 13.

¹⁵ SOC at [6(b)iv] and page 15.

¹⁶ SOC at [6(b)v] and page 14.

(f) On 12 April 2024, the Defendant posted “*Dave aka (seng toh toh) (ba Zhang) (Jonathan Lim) You should first ask your lawyer how many years you will be jailed on your post of someone’s wife’s sex video on Facebook? 🤔*” (the “**Sixth Post**”).¹⁷ I note that the original post ends with a single “🤔” emoticon, whilst the SOC at [6(b)vi] and ASOF at [5(c)vi] replicate it with three “🤔” emoticons. As with the First Post, I treat this as an editorial error in the SOC and refer to the original post for its actual contents.

(g) Around April 2024, the Defendant shared a Facebook post made by one “Mathew Lui” (“**Lui’s Post**”), which stated: “*Did you seng toh toh give dave ng the link? He have been personally visiting the police station recently and he seems to be wear out ☹️*” (the “**Seventh Post**”).¹⁸

(h) On an unknown date, the Defendant claimed that “Dave Ng was at Woodlands Police Division more than once, and that a police report was made on 12th April 2024”.¹⁹ The Defendant also commented “tell him to just stay there” in response to Lui’s Post (collectively, the “**Eighth Post**”).²⁰

5 The Defendant does not dispute the accuracy of the English translations, which were appended to the SOC, of the First to Eighth Posts.

¹⁷ SOC at [6(b)vi] and page 10.

¹⁸ SOC at [6(e)] and page 8.

¹⁹ SOC at [6(f)].

²⁰ SOC at [6(f)] and page 8.

6 Apart from the Eight Posts, the Claimant also broadly alleges that between February and April 2024, the Defendant repeatedly accused “Dave” of being “Seng Toh Toh” and of having created the “Seng Toh Toh” Facebook account as a “fake account” to “disturb the Defendant”.²¹ According to the ASOF,²² these statements were made via “public posts/live broadcasts” on the LFY Account. The specific dates on which these posts and/or live broadcasts were purportedly made were not pleaded. I shall refer to these collectively as the “**General Posts**”.

7 Unlike the Eight Posts, the Claimant tendered no objective evidence – such as a screen recording – of the 14 May Broadcast. I am therefore confined to the Claimant’s pleadings for the allegedly defamatory words uttered during that Broadcast, namely²³:

- (a) The Defendant alleged that “Dave” was Seng Toh Toh;
- (b) The Defendant said that he had introduced many customers to “Dave”, and referred to “Dave” as “ball-less, shameless, and a disgrace”;
- (c) The Defendant – and here I quote verbatim from the SOC – “referred to ‘Seng Toh Toh.’ However, he later stated that he used to introduce customers to him, suggesting he was actually referring to ‘Dave’”; and
- (d) The Defendant claimed that, “He doesn’t just have delusions, I think he might have schizophrenia too”.

²¹ SOC at [6(a)].

²² AB at 49 to 53.

²³ SOC at [6(d)].

8 In the ASOF, the Defendant admitted:

- (a) To making the Eight Posts on his LFY Account,²⁴ and further admitted to making the Seventh and Eighth Posts on 28 April 2024²⁵;
- (b) To making the General Posts on his LFY Account;²⁶
- (c) That the Eight Posts and the General Posts were “public posts”;²⁷
- (d) To making the 14 May Broadcast on his LFY Account;²⁸ and
- (e) That the 14 May Broadcast was a “public live broadcast”.²⁹

9 The Defendant nonetheless denies that the Eight Posts, the General Posts, and the 14 May Broadcast are defamatory of the Claimant,³⁰ and pleads the defence of justification on the following bases³¹:

- (a) The Claimant in fact operated the “Seng Toh Toh” “fake” Facebook account, and had personally told the Defendant as much;³²
- (b) The Claimant in fact operated the “Ba Zhang” “fake” Facebook account, and had personally told the Defendant as much;³³ and

²⁴ ASOF at [5c] to [5f].

²⁵ ASOF at [5e] and [5f].

²⁶ ASOF at [5a] and [5b].

²⁷ ASOF at [5].

²⁸ ASOF at [5c].

²⁹ *Ibid.*

³⁰ AD at [8].

³¹ AD at [8].

³² AD at [8iva] and [8ivb].

³³ AD at [8viia] and [8ivb].

- (c) Using the “Ba Zhang” account, the Claimant posted an intimate video of another geomancer’s wife, which has since been taken down.³⁴

10 The parties agree that the Defendant has since removed all offending posts – which I take to refer to the Eight Posts and the General Posts (insofar as they took the form of Facebook posts) – from the LFY Account.³⁵

II. Issues to be decided.

11 Three key issues fall to be determined:

- (a) **Issue 1:** Has the Claimant established a *prima facie* case of defamation in respect of the Eight Posts, the General Posts, and the 14 May Broadcast (collectively, the “**Statements**”)?
- (b) **Issue 2:** Has the Defendant made out the defence of justification?
- (c) **Issue 3:** Should the Claimant succeed on liability, what relief is he entitled to?

III. Issue 1: Has the Claimant established a *prima facie* case of defamation in respect of the Eight Posts, the General Posts, and the 14 May Broadcast?

12 To establish the tort of defamation, the Claimant must:

- (a) Prove that the Defendant published the offending words in question;
- (b) Prove that the said words are defamatory; and

³⁴ AD at [8viic].

³⁵ ASOF at [7].

- (c) Identify himself as the person defamed (*Lee Hsien Loong v Review Publishing Co Ltd and another and another suit* [2009] 1 SLR(R) 177 (“**Review Publishing (HC)**”) at [23]).

(A) First limb: The Defendant published the Eight Posts and the 14 May Broadcast, but not the General Posts.

13 I turn first to the question of publication. All the Statements were made online. Thus, to satisfy the dual requirements of publication in the context of Internet defamation, the Claimant must prove, on a balance of probabilities, that:

- (a) The Defendant had uploaded or posted the material on the Internet and thereby made the offending material available to a third party (the “**First Requirement**”); and
- (b) That a third-party reader downloaded the material in Singapore (*Qingdao Bohai Construction Group Co, Ltd and others v Goh Teck Beng and another* [2016] 4 SLR 977 (“**Qingdao**”) at [36] to [38]) (the “**Second Requirement**”). “Download” in this context simply means rendering online material in a comprehensible form by using a web browser to retrieve it from the hosting server and onto the reader’s device (see *Qingdao* at [39], citing *Ng Koo Kay Benedict v Zim Integrated Shipping Services Ltd* [2010] 2 SLR 860 at [26]).

14 The First Requirement is satisfied by the Defendant’s admissions in the ASOF: he admitted to being the person who made the Statements available online via the LFY Account on Facebook (see [8] above). Those admissions do not, however, address the Second Requirement, which concerns whether anyone actually read the Statements whilst in Singapore. If the Claimant relies on these ASOF admissions as the basis of his assertion at [6] of his closing submissions

(“CS”) – that the Defendant admits to *publishing* the Statements – then that reliance is misplaced; those admissions do not address the Second Requirement. I must consider the evidence adduced at trial to determine if the Second Requirement is made out on a balance of probabilities.

15 The answer to that question is yes, but only in respect of *some* of the Statements. My conclusion rests primarily on the evidence of the Claimant’s three witnesses: Mr Tan Leong Ann (“**Mr Tan**”), Ms Lim Suat Hua Shirnar (“**Ms Lim**”), and Mr Sim Ai Thaim (“**Mr Sim**”).

16 Mr Tan testified that he read all Eight Posts³⁶ and watched the 14 May Broadcast.³⁷ Under cross-examination, he accepted that he could not recall whether he had “reacted” to two out of these Eight Posts, but maintained that he had read all Eight Posts.³⁸ In respect of the 14 May Broadcast, Mr Tan testified that he heard the statements at [7(a)] and [7(b)] above – namely, that “Seng Toh Toh” was actually the Claimant, and that the Claimant was “ball-less, shameless, and a disgrace” – but not the statement at [7(d)] above (that the Claimant had delusions and possibly schizophrenia).³⁹

17 I accordingly find that Mr Tan read the Eight Posts and watched the 14 May Broadcast, but only in respect of the two statements identified at [16] above.

³⁶ Mr Tan’s AEIC at [16] to [18], [23], and [25].

³⁷ Mr Tan’s AEIC at [16] to [17] and [24].

³⁸ NE on page 41, line 13, to page 42, line 9.

³⁹ Mr Tan’s AEIC at [24].

18 In her AEIC, Ms Lim initially testified that she read all Eight Posts⁴⁰ and watched the 14 May Broadcast.⁴¹ Like Mr Tan, she did not testify to hearing the Defendant accuse the Claimant of having delusions and/or schizophrenia during the 14 May Broadcast (see [7(d)] above); she only heard the statements referred to at [7(a)] and [7(b)] above.⁴² When pressed on whether she could say, with any certainty, that she had read the Fourth Post, Ms Lim's answer was essentially that she had forgotten⁴³:

Q Can you say with any certainty that you remember reading this post?

A I did remember **but long time already, I forgotten also.**

[emphasis in bold added]

19 That answer undermines her seemingly clear-cut admission to reading the Fourth Post in her AEIC. In view of this ambiguity in her testimony, I do not think it safe to find Ms Lim had in fact read the said Post, and the Claimant has accordingly failed to prove that Ms Lim read the Fourth Post.

20 The above being said, Ms Lim's evidence was unshaken in most other material respects in relation to the Second Requirement. I therefore find that Ms Lim had read seven out of the Eight Posts (excluding the Fourth Post) and watched the 14 May Broadcast, but only in respect of the two statements identified at [18] above.

⁴⁰ Ms Lim's AEIC at [18] to [21], [25], and [27].

⁴¹ Ms Lim's AEIC at [26].

⁴² *Ibid.*

⁴³ NE on page 64, lines 19 to 21.

21 Mr Sim testified that he read all Eight Posts⁴⁴ and watched the 14 May Broadcast.⁴⁵ As with Mr Tan and Ms Lim, Mr Sim only heard the Defendant utter the statements referred to at [7(a)] and [7(b)] above during the 14 May Broadcast. He made no mention of hearing the Defendant allege that the Claimant had delusions or schizophrenia (see [7(d)] above). Under cross-examination, Mr Sim maintained the position set out in his AEIC: *viz.*, that he had read all Eight Posts and watched the 14 May Broadcast.

22 I therefore find that Mr Sim had read the Eight Posts and watched the 14 May Broadcast, but only in respect of the two statements identified at [21] above.

23 In summary, the Claimant has proven that two witnesses (Mr Tan and Mr Sim) read all Eight Posts and heard two of the three allegedly defamatory statements made during the 14 May Broadcast, and that one witness (Ms Lim) read seven of the Eight Posts and heard the same two statements. For the avoidance of doubt, the two statements that I have found to have been published by the Defendant during the 14 May Broadcast are:

- (a) That the Defendant had introduced many customers to “Dave” and suggested that “Seng Toh Toh” was actually “Dave”; and
- (b) That “Dave” was “ball-less, shameless, and a disgrace”.

24 I will henceforth refer to the Eight Posts and these above-mentioned two statements as the “**Publications**”.

⁴⁴ Mr Sim’s AEIC at [15] to [17], [22], and [24].

⁴⁵ Mr Sim’s AEIC at [23].

25 Before moving on to the next limb of the tort, I make four overarching observations in respect of the evidence given by the Claimant’s three witnesses.

26 First, all three witnesses referred to a 14 May 2024 live broadcast wherein the Defendant allegedly accused “Dave” of sending him explicit videos of a rival geomancer’s wife engaging in sexual intercourse (the “**Sex Video Allegation**”).⁴⁶ It is unclear from their AEICs whether they were referring to the same 14 May Broadcast defined at [7] above, or to an *entirely separate live broadcast*. It is equally unclear why these witnesses addressed the Sex Video Allegation when it did not form part of the Claimant’s pleaded case. For these reasons, I decline to make any finding as to whether the Defendant made the Sex Video Allegation during any live broadcast and place no weight on this evidence.

27 Second, notwithstanding that *Qingdao*’s Second Requirement plainly imposes a jurisdictional element – that the statements must have been downloaded or read in Singapore – none of the Claimant’s witnesses testified as to their physical locations when they read or watched the Publications. Their AEICs ought to have addressed this point. That being said, I am not minded to rule against the Claimant on this basis. The Defendant’s counsel raised no issue with the jurisdictional requirement either in cross-examination or in closing submissions (“**DS**”). Nor was there any suggestion that Mr Tan, Ms Lim, or Mr Sim were based or frequently travelled overseas such that their locations at the material time would be in genuine dispute. I therefore treat the jurisdictional requirement as undisputed and accordingly find the Second Requirement to be satisfied as summarised at [23] above.

⁴⁶ See Mr Tan’s AEIC at [19], Ms Lim’s AEIC at [21], and Mr Sim’s AEIC at [18].

28 Third, and purely because the Defendant devoted a portion of trial time and his DS to this point,⁴⁷ I find that the Claimant has failed to adduce adequate evidence to prove that his three witnesses “reacted” to any of the Eight Posts. In their AEICs, all three of the Claimant’s witnesses asserted that they had “reacted” to two of the Eight Posts.⁴⁸ In Facebook terms, a “reaction” is an emoji-based response to a post or a comment. A thumbs-up symbol – such as this one “👍” – is an emoji that is available as a “reaction” to a Facebook post.⁴⁹ Loosely interpreted, a “reaction” might even include a comment to a Facebook post.

29 The claim to having “reacted” to these two posts is untenable in the cases of Ms Lim and Mr Sim. Ms Lim did not view the Publications on her own Facebook account; she did so on a friend’s phone,⁵⁰ whose identity she now cannot recall.⁵¹ Mr Sim likewise did not use his own Facebook account to view the Defendant’s Publications; he used his wife’s Facebook account to do so.⁵² Had their AEICs been accurately drafted, they would have deposed to reacting via their friend’s and wife’s accounts respectively, rather than giving the impression that they had done so from their own accounts.

30 Owing to the absence of objective evidence to prove that these three witnesses had “reacted” to the two posts, and given also Mr Tan’s and Ms Lim’s

⁴⁷ DS at [36] to [38].

⁴⁸ See Mr Tan’s AEIC at [16] to [17], Ms Lim’s AEIC at [18] to [19], and Mr Sim’s AEIC at [15] to [16].

⁴⁹ SOC at page 13.

⁵⁰ See Ms Lim’s AEIC at [29] and NE on page 58, lines 19 to 27.

⁵¹ NE on page 59, lines 6 to 13.

⁵² Mr Sim’s AEIC at [26].

concessions that they do not recall “reacting” to the two posts in question⁵³, I find that the allegation that the Claimant’s witnesses reacted to any of the Eight Posts is not proved. However, nothing turns on this finding, given that I have accepted the three witnesses’ testimonies to having read or watched (as the case may be) the Publications.

31 Fourth, the Claimant has failed to prove that the General Posts have been published owing to the lack of evidence pertaining to the Second Requirement in *Qingdao vis-à-vis* these General Posts. None of the Claimant’s witnesses expressly testified to having read the General Posts. The *most* that can be made of their AEIC evidence is that they read the specific posts which have been extracted, translated, and appended to their respective AEICs.⁵⁴ None of these extracts have been identified as comprising the General Posts, be it in the SOC or in the CS. In fact, these extracts appear to contain only the Eight Posts. There is accordingly no proof of readership for the General Posts, and consequently no basis on which to find that they have been published in the legal sense.

32 In summary, the Claimant has proven both the First and Second Requirements in *Qingdao*, and thereby established the first limb of the tort of defamation, in respect of the Publications.

(B) Third limb: The Publications referred to the Claimant.

33 Because the Defendant did not refer to the Claimant by his legal name in the Publications, it is convenient to address the third limb of the tort – being

⁵³ See NE on page 41, line 13, to page 42, line 9 (Mr Tan); see too NE on page 62, line 10, to page 64, line 14 (Ms Lim).

⁵⁴ See Mr Tan’s AEIC at [25], Ms Lim’s AEIC at [27], and Mr Sim’s AEIC at [24].

whether the Publications referred to the Claimant – before turning to the second limb concerning their defamatory meaning.

34 The applicable test in determining whether the requirement of reference is made out is an objective one: whether the ordinary reasonable person who, at the material time, was aware of the relevant circumstances or special facts (if any) would reasonably understand the Claimant to be referred to by the offending words (*Review Publishing Co Ltd and another v Lee Hsien Loong and another appeal* [2010] 1 SLR 52 (“**Review Publishing (CA)**”) at [49]). The question of reference to the Claimant is to be determined in the context in which the words were used (see *Review Publishing (CA)* at [50]). The Claimant need not be expressly referred to by name in the offending words, and it is also immaterial whether or not the Defendant intended to refer to the Claimant (see *Review Publishing (CA)* at [49]).

35 The third limb of the tort was not seriously contested by the Defendant.

(a) In his amended Defence, the Defendant admitted that the Claimant is known socially as “Dave Ng”, and that the Claimant used that name across various online platforms and social media accounts (including Facebook).⁵⁵

(b) At trial, the Defendant admitted under cross-examination that he was referring to the Claimant whenever he used the word “Dave” in his posts (the “**Admission**”) (see *Review Publishing (CA)* at [51] and [52]).⁵⁶ This Admission covers the First, Second, Fifth, Sixth, Seventh, and Eighth Posts, each of which makes explicit reference to “Dave” or

⁵⁵ AD at [4].

⁵⁶ NE on page 89, lines 5 to 8.

“Dave Ng”, and puts paid to the Defendant’s attempt in closing submissions to resile from the Admission in respect of the First and Fifth Posts.⁵⁷ As for the Fourth Post, that post neither refers to “Dave” or “Dave Ng” nor explicitly links those names to their contents. However, given that the Defendant did not challenge the element of reference in relation to the Fourth Post in his DS, I take him to concede that it too referred to the Claimant.

(c) As for the Third Post, I reject the Defendant’s unduly narrow reading at [24] of the DS. The Defendant contends that the Third Post did not itself refer to the Claimant or “Dave”. However, that Third Post was not made in isolation; it formed part of the same Facebook post as the Second Post, published on 11 April 2024, which explicitly refers to “Dave”. For the same reasons set out at [49(b)] below, the ordinary reasonable person reading the Facebook post comprising the Second and Third Posts objectively and holistically would conclude that the person operating the three named “fake accounts” in the Second Post – identified as “Dave” – was the same person who had posted a sex video of someone’s wife via a “fake account” as alleged in the Third Post. No other reading would explain why an accusation about fake-account operators posting sex videos would appear in the same post as the identification of “Dave” as the operator of fake accounts. The Third Post would therefore objectively and reasonably be understood as referring to “Dave”, and thus to the Claimant.

(d) Although the question of whether the Defendant was referring to the Claimant when he mentioned “Dave” in the 14 May Broadcast was

⁵⁷ DS at [19] (regarding the 1st post) and [28] (regarding the 5th post).

not specifically put to him, the Defendant's failure to address this limb of the tort in respect of the Broadcast puts the matter to rest: the Defendant must be taken to accept that he was referring to the Claimant whenever he used the name "Dave" in the 14 May Broadcast. Otherwise, he ought to have disputed the point.

(e) All three of the Claimant's witnesses deposed that they knew the Claimant as "Dave", that the Claimant was known socially as "Dave", and that the Defendant also addressed the Claimant as "Dave".⁵⁸

36 I therefore find that the Publications were referable to the Claimant.

37 Even if I am wrong about the Defendant's admissions in his pleadings and at trial as constituting a concession on the element of reference, I would have reached the same conclusion by applying the objective test at [34] above: viz., that the Publications objectively referred to the Claimant. In my respectful view, a particularly apt formulation of that test can be found in *A Balakrishnan v Nirumalan K Pillay* [1999] 2 SLR(R) 462 ("**Balakrishnan**"), which was cited with approval at [49] of *Review Publishing (CA)*: the question as framed in *Balakrishnan* was whether a reasonable person acquainted with the plaintiffs, on reading the article in question, would conclude that the offending words referred to the plaintiffs even though the plaintiffs were not expressly identified in the article.

38 Applying that formulation, the ordinary reasonable person acquainted with the Claimant would know that: (a) he was commonly known as "Dave", as

⁵⁸ See Mr Tan's AEIC at [4] and [7], Ms Lim's AEIC at [5] and [8], and Mr Sim's AEIC at [4] and [8].

admitted in the Defence;⁵⁹ (b) he identified himself as “Dave” by using the handle “Dave Ng” on various social media platforms;⁶⁰ (c) the Claimant was acquainted with the Defendant prior to the making of the Publications, which was known to at least two of the Claimant’s three witnesses;⁶¹ and (d) the Defendant addressed and referred to the Claimant, not by his legal name, but by the name “Dave”; this fact was known by at least two of the Claimant’s three witnesses who interacted with both parties socially.⁶²

39 Drawing these threads together, that ordinary reasonable person would objectively conclude that the references to “Dave” – and indeed to “Dave Ng”, “Ng” being the Claimant’s surname – in the Publications could only be referring to the Claimant. Furthermore, there was no suggestion made before me that the Defendant knew or addressed any other person by the name “Dave” or “Dave Ng”.

40 For these reasons, I find that the third limb of the tort is made out on the civil standard of proof.

(C) Second limb: Only four of the Defendant’s posts were defamatory of the Claimant.

41 I now turn to consider the second limb of the tort – were the contents of the Publications defamatory? The contents of the Publications may be defamatory in two ways. As set out by the Court of Appeal at [26] of *Review Publishing (CA)*, these two ways are:

⁵⁹ AD at [4].

⁶⁰ SOC at [4].

⁶¹ See Mr Tan’s AEIC at [7] and Mr Sim’s AEIC at [8].

⁶² See Mr Tan’s AEIC at [7] and Mr Sim’s AEIC at [8].

“(a) ... **their natural and ordinary meaning**, which includes any meaning capable of being inferred from the offending words standing on their own in addition to their literal meaning; and

(b) ... **their innuendo meaning**, i.e., in some other meaning (apart from the natural and ordinary meaning) which, although not defamatory from the viewpoint of the ordinary reasonable person, is nonetheless defamatory from the viewpoint of people with knowledge of the special meaning of the offending words or the relevant extrinsic facts.”

[emphasis in bold added]

42 The Claimant relies solely on the natural and ordinary meaning of the offending words contained in the Publications.⁶³ This is the meaning that the words in question would convey to an ordinary reasonable person, not unduly suspicious or avid for scandal, using his general knowledge and common sense (see *Review Publishing (CA)* at [27]). Extrinsic evidence cannot be referred to in construing these words; the meaning must be gathered from the words themselves and in the context of the entire passage in which they are set out (see *Review Publishing (CA)* at [27]). Nonetheless, the analysis is not confined to the literal meaning of the offending words; the ordinary reasonable person may draw *inferences* or *implications* from those words in the light of his general knowledge, common sense and experience (see *Review Publishing (CA)* at [28]).

43 The test is therefore an objective one (see *Review Publishing (CA)* at [27]). Accordingly, the meaning intended by the publisher of the statement or the meaning actually understood by the Claimant is irrelevant to this analysis (see *Review Publishing (CA)* at [27]).

44 The Claimant adopts a blanket approach to the purported defamatory meanings of the Publications. He alleges that the Publications, in their natural

⁶³ SOC at [8].

and ordinary meaning, would be understood by the ordinary reasonable person to mean that:

(a) The Claimant was willing to create fake identities on Facebook, suggesting that he is dishonest (the “**First Meaning**”).

(b) The Claimant posed as “Seng Toh Toh” purely to harass the Defendant (the “**Second Meaning**”). In this regard, the CS impermissibly expands the Second Meaning by framing it as the Claimant posing as not just “Seng Toh Toh” but *also* as “Ba Zhang” and “Jonathan Lim”.⁶⁴ These latter two identities were not pleaded as facts the Claimant would also be relying on to establish the defamatory meaning of the Publications.⁶⁵ I will therefore base my findings only on the Second Meaning as pleaded, and will make no reference to the Claimant allegedly posing as “Ba Zhang” and “Jonathan Lim” in my analysis.

(c) The Claimant committed a serious crime by sharing an explicit sex video of a couple having sex (the woman being the wife of a rival geomancer) (the “**Third Meaning**”). The CS similarly expands the Third Meaning by adding the detail that this act “will land the Claimant in jail”.⁶⁶ This additional detail ought to have been pleaded. I will likewise make no reference to it in my decision, and will base my findings only on the Third Meaning as pleaded.

⁶⁴ CS at [13b].

⁶⁵ SOC at [8(b)].

⁶⁶ CS at [13c].

(d) The Claimant was apprehended for his actions and was under investigation, and this involved repeated visits to the Police station (the “**Fourth Meaning**”).⁶⁷

45 The Defendant admits the First Meaning, but denies the other meanings set out at [44(b)] to [44(d)] above.⁶⁸ In his view, the natural and ordinary meaning of the Publications ought to be interpreted as follows:

(a) Instead of the Second Meaning, the words in the Publications should be understood to mean that the Claimant operated multiple fake anonymous accounts, including the “Seng Toh Toh” and “Ba Zhang” accounts, and that the Claimant made multiple posts defaming the Defendant under the alias “Seng Toh Toh” on Facebook and privately (the “**Fifth Meaning**”).⁶⁹

(b) Instead of the Third Meaning, the words in the Publications should be understood to mean that the Claimant operated the “fake” “Ba Zhang” account, and that the Claimant posted an intimate video of a rival geomancer’s wife on Facebook using the “Ba Zhang” account (the “**Sixth Meaning**”).⁷⁰

(c) The Defendant pleaded a bare denial of the Fourth Meaning.⁷¹

⁶⁷ SOC at [8(a)] to [8(d)].

⁶⁸ AD at [8i] to [8ii].

⁶⁹ AD at [8iii].

⁷⁰ AD at [8vi].

⁷¹ AD at [8]: “Paragraph 8(d) is denied”.

46 I begin by determining whether the words used by the Defendant in the Publications bore the natural and ordinary meanings pleaded by the Claimant, and thereafter whether these meanings were defamatory of the Claimant.

(i) The natural and ordinary meanings of four of the Facebook posts imputed dishonesty and criminal conduct to the Claimant.

47 Before embarking on my analysis of the meanings of the Publications, I pause to observe that the Claimant did not draw the links between the four Meanings and the specific Publication from which each Meaning is derived. I am therefore left to discern which of the Publications, if any, can be understood in accordance with one or more of the four Meanings.

48 The **First Meaning** is admitted by the Defendant; he concedes that the words in his Publications were capable of being understood by the ordinary reasonable person to mean that the Claimant was a dishonest individual by reason of his willingness to create fake identities on Facebook (see [44(a)] and [45] above).

49 In any event, I find that the First Meaning is disclosed by the Second, Third, and Fourth Posts.

(a) The Second Post, read as a whole, would lead the ordinary reasonable reader to infer that the “three fake accounts” referred to those with the usernames “Ba Zhang”, “Seng Toh Toh”, and “Jonathan Lin” as listed in that post. Such a reader would also conclude that the person operating these fake accounts was “Dave”/the Claimant. This is an inference easily drawn by the ordinary reader, who would interpret the sentence “*One person with three fake accounts. Ba Zhang ,seng toh toh + Jonathan Lin = Dave*” to mean that the “one person” operating the

three named “fake accounts” was – or “equals to” – “Dave”/the Claimant.

(b) Having admitted that the Third and Fourth Posts refer to the Claimant, the ordinary reasonable reader would understand these posts to be referring to the Claimant whenever the pronoun “you” and the possessive adjective “your” appear. These two posts would therefore be objectively understood as accusing the Claimant of having a “fake account” on Facebook (see “*Don’t forget that incident which **you** posted a sex video of someone’s wife... Whether it is a **fake account**... to log into **Facebook**...*” and “*use **your fake account** seng toh toh*” (**emphasis in bold added**)).

(c) The term “fake account” is an informal expression that, read literally, means that the account – in this case on Facebook – is not a genuine account. The ordinary reasonable person would not interpret this term so literally; rather, he or she would understand it to mean an account that bears a pseudonym rather than the user’s real name as the username. Thus, a person called “X” who uses a “fake account” on Facebook would not use his real name “X” as the username on that account. He might instead use “Y” as his username. In operating an account with the username “Y”, person X would be using a “fake account”, and therefore a fake identity, online.

(d) Whilst the accusations in the posts refer to the Claimant *actually operating* “fake accounts” rather than being *willing to create* such accounts – the latter accusation being the one pleaded by the Claimant – I find that nothing turns on this. An ordinary reader would not draw the fine linguistic distinctions a lawyer might; a statement that referred to the Claimant using “fake accounts” on Facebook would readily be

understood to carry the further implication that the same Claimant was willing to create them. After all, someone had to create these “fake accounts” to begin with, and the ordinary reader would readily presume *that* person to be the individual operating them, i.e., the Claimant. In any case, I have confined my finding only to the extent of the First Meaning – viz., the Claimant’s willingness to create fake identities on Facebook – and I will not and do not go further to find a more defamatory meaning than what has been pleaded (see *Review Publishing (CA)* at [118] and [130]).

(e) Whilst operating a social media account that does not bear one’s real name does not necessarily suggest dishonesty, the implication of dishonesty has been admitted by the Defendant in his pleadings, and is therefore established on that basis.

50 For the above reasons, the Claimant has proven that the words in the Second, Third, and Fourth Posts give rise to the First Meaning.

51 I move on to the **Second Meaning**. There are two parts to this Meaning – the first is the allegation that the Claimant was “posing” as someone called “Seng Toh Toh” online, and the second is the allegation that his purpose in doing so was “purely to harass the Defendant”.

52 The first part of the allegation is easily derived from the Second and Fourth Posts and the suggestion at [23(a)] made by the Defendant during the 14 May Broadcast. The Second Post accuses “Dave”/the Claimant of having three “fake accounts”, one of which was named “Seng Toh Toh”. The Fourth Post accuses the Claimant of using his “fake account seng toh toh”. The suggestion at [23(a)] was that “Seng Toh Toh” was actually “Dave”/the Claimant. From all

three statements, the ordinary reasonable person would conclude that the Claimant was masquerading as “Seng Toh Toh” online by operating an account bearing that username rather than his real name.

53 The next question is whether any of the three statements identified at [52] above *also* lends itself to the interpretation that the Claimant used the “Seng Toh Toh” account *purely to harass the Defendant*. This is a strong allegation. There must be sufficient content in these statements – whether express, implied, or inferential – to lead a fair-minded reader to conclude that the Claimant’s purpose in using the “Seng Toh Toh” account was *solely* to harass the Defendant and nothing more. In my judgment, the Claimant is unable to prove this second part of the pleaded Second Meaning in respect of any of the three statements.

(a) The Second Post only alleges that the Claimant used three “fake accounts”, including the “Seng Toh Toh” account. It does not, whether read in isolation or together with the Third Post (see [35(c)] above), refer to harassment or anything which might reasonably be interpreted as harassment of the Defendant.

(b) The Fourth Post only alleges that the Claimant used his fake “Seng Toh Toh” account to “disturb” the Defendant. Even if the word “disturb” could objectively and broadly be read to mean “harass”, there is nothing in this post to support the interpretation that the Claimant used the “Seng Toh Toh” account *solely or purely for that purpose*. At best, the Fourth Post can be interpreted to mean that harassing the Defendant was *one of the uses* to which the Claimant put the “Seng Toh Toh” account.

(c) Finally, there is no reference to harassment whatsoever in the statements I have found the Defendant to have published during the 14 May Broadcast (see [23] above).

54 The Claimant has therefore failed to prove the Second Meaning in respect of any of the Publications. I therefore do not need to consider whether the Defendant’s alternative interpretation under the Fifth Meaning is established.

55 Coming to the **Third Meaning**, I find that the Third and Sixth Posts are capable of being objectively interpreted in accordance with the gist – but not the exact words – of the Third Meaning. Both posts refer to the Claimant as having posted a sex video capturing an unnamed woman, referred to as “someone’s wife”, on Facebook. There is no reference to the identity of this woman’s husband, much less to him being a rival geomancer, in any of these posts. There is also no reference to any other participant in this sex video besides the unnamed woman; a “sex video” may feature a single individual as easily as two, and I do not think that the ordinary reader would necessarily assume that an unnamed woman engaging in sexual activity in a video would necessarily be doing so with a partner. That said, the foregoing observations are not material. The fact remains that the Third and Sixth Posts clearly accuse the Claimant of posting a video of an unnamed woman engaging in sexual acts on Facebook, and I so find.

56 In my judgment, the ordinary reasonable person, with a typical level of general knowledge about criminal offences in Singapore, would understand such an accusation to carry the implication that the Claimant had thereby committed a criminal offence. It is in fact an offence to transmit obscene content or obscene films online: see section 29(1) of the Films Act 1981 and section

292(1)(a) of the Penal Code 1871. However, I do not accept that the posts lend themselves to being interpreted as accusing the Claimant of having committed a *serious* crime. Seriousness can be defined in many ways, whether by reference to the maximum sentence available upon conviction or the inherent nature of the offence itself. I have no doubt that the ordinary person would consider offences such as murder, rape, or violence against children to be serious in either sense. By contrast, whilst an offence of posting obscene content online is by no means trivial, there is insufficient information in the posts to support the implication that the crime alleged was a “serious” one.

57 I therefore find that the Claimant has established a less damaging meaning than the Third Meaning in relation to the Third and Sixth Posts – the natural and ordinary meaning of the statements in these posts is that the Claimant had committed an offence by posting a video of an unnamed woman engaging in sexual acts on Facebook (the “Amended Third Meaning”).

58 For completeness, I address the Defendant’s alternative interpretation under the Sixth Meaning. I am puzzled as to why the Defendant would choose to plead this alternative meaning for two reasons:

(a) First, shorn of any identifying details, the Sixth Meaning *also* accuses the Claimant of having posted a video containing sexual content – an “intimate video” is simply a more euphemistic formulation of the same allegation – of an unnamed woman on Facebook. My reasoning at [56] above applies equally to the Sixth Meaning and the Third Meaning. In other words, the Amended Third Meaning would still be made out even if I accepted the Sixth Meaning instead of the Third Meaning.

(b) Second, there is no factual basis for the identifying details contained in the Sixth Meaning. None of the Publications identify the

account purportedly used by the Claimant to post this “intimate video” as the “Ba Zhang” account. Nor, as observed at [55] above, do the Third and the Sixth Posts identify a second person as also featuring in that “intimate video”, be it a rival geomancer or otherwise.

59 I therefore find that the Sixth Meaning is not borne out by any of the Publications and is accordingly not proved.

60 As for the **Fourth Meaning**, the only posts which refer to the Claimant visiting a Police station are the Seventh and Eighth Posts, to which I now turn. The Seventh Post asserts that someone – either the Claimant or “Seng Toh Toh” – was visiting an unidentified Police station “recently” to the point of appearing worn out. The Eighth Post – for which there is no objective evidence but which the Defendant admits to having made⁷² – asserts that the Claimant was at Woodlands Police Division “more than once”, and that an unknown person had made a Police report, the contents of which are not disclosed, on 12 April 2024.

61 In my view, the Fourth Meaning cannot be derived from the Seventh Post because the English employed by “Mathew Lui” in the original post (which was reposted by the Defendant) is so abstruse that it cannot be ascertained whether the person who allegedly visited the Police station – and who was therefore involved in criminal investigations – was the Claimant or “Seng Toh Toh”. The contents of the Seventh Post bear reproduction in full:

“Did you seng toh toh give dave ng the link? **He** have been personally visiting the police station recently and **he** seems to be wear out ☐🤔”

[emphasis in bold added]

⁷² ASOF at [5(f)].

62 Lui's Post can only be understood to mean that "Seng Toh Toh" and the Claimant are two different people; no one would reasonably interpret the first sentence in his post to mean that "Dave Ng"/the Claimant was giving what is presumably a hyperlink to himself. Reading Lui's Post with that understanding, I have serious doubts as to whether the referent of the pronoun "he" in his post can reasonably be determined by the ordinary reader to refer to "Seng Toh Toh" or the Claimant. Both names appear to be masculine names, and either could equally be the intended subject of the referenced Police investigations. For this reason, I find that the Fourth Meaning cannot be derived from the Seventh Post.

63 Turning to the Eighth Post, I find that the ordinary reader would understand it to mean that the Claimant was involved in criminal investigations in some capacity by reason of his repeated visits to a Police station. The question is whether the ordinary reader would make the *further* logical leap to conclude that the Claimant's involvement in these criminal investigations was as a *suspect*, and that these investigations pertained to offences he had committed.

64 The Eighth Post alone does not objectively give rise to this implication. The ordinary reader with an average level of general knowledge and common sense would know that a person who visits a Police station is not necessarily a suspect of a crime; he could equally be a victim or an eyewitness. Moreover, the reference to the Police report lodged on 12 April 2024 in that post is vague as to who the complainant and the person complained of were. Reading the Eighth Post as a whole, an equally plausible competing interpretation could be that the Claimant had *himself* lodged the report, and was therefore visiting the Police station in his capacity as complainant. I see no reason to select the more damaging interpretation; only a reader unduly avid for scandal would construe the Eighth Post to mean that the Claimant was a suspect rather than a complainant.

65 Accordingly, the Fourth Meaning is not proved.

(ii) The two proven Meanings disclosed by the four defamatory posts are defamatory of the Claimant.

66 To recapitulate, the Claimant has established that:

- (a) The words in the Second, Third, and Fourth Posts give rise to the First Meaning; and
- (b) The words in the Third and Sixth Posts give rise to the Amended Third Meaning.

67 As the Claimant did not plead any other defamatory meanings which can reasonably be supported by the remaining Publications (i.e., the First, Fifth, Seventh, and Eighth Posts and the statements made during the 14 May Broadcast at [23] above), I need not consider those Publications further.

68 I turn to consider whether the four posts identified at [66] above are defamatory of the Claimant. A publication is defamatory when it tends to lower the Claimant in the estimation of right-thinking members of society in general, or where it would expose him to hatred, contempt, or ridicule, or cause him to be shunned or avoided (see *Review Publishing (HC)* at [47]).

69 The Defendant did not argue that, should I accept some or all of the Claimant's pleaded meanings, these meanings were not defamatory of the Claimant. Hence, the only arguments available for my consideration in this respect are the Claimant's.⁷³

⁷³ CS at [14].

70 I find that the First Meaning is defamatory by its implication – which the Defendant accepted – that the Claimant was a dishonest person. Dishonesty cuts to the core of a person’s character and affects him in all aspects of life, be it in the commercial or personal sphere. It is inarguable that a right-thinking member of society would be loath to interact with someone accused of dishonesty.

71 As for the Amended Third Meaning, there is no doubt that accusing someone of having committed a crime – in particular, that a man has published obscene content of a woman online – is defamatory in nature. Such an allegation would certainly tend to lower the Claimant in the eyes of right-thinking members of society, who would likely have an instinctive aversion to individuals who perpetrate sexual offences and their close analogues, thereby exposing him to contempt.

72 The Claimant has therefore established a *prima facie* case of defamation in respect of the Second, Third, Fourth, and Sixth Posts. I therefore proceed to consider the Defendant’s sole defence of justification.

IV. Issue 2: Has the Defendant made out the defence of justification?

73 To succeed in a plea of justification, the Defendant must prove that the substance or gist of the offending words – as opposed to those parts of the offending words which do not add to the sting of the alleged defamation – is true (see *Review Publishing (CA)* at [134]). The burden of proving this defence rests squarely on the Defendant (see *Qingdao* at [168]).

74 This defence occupied the bulk of the DS. Whilst I have rejected the Defendant’s pleaded meanings of the offending words at [45] above, there is sufficient overlap between the gist of the parties’ respective pleaded meanings

that the defence of justification may nonetheless succeed. The scenario contemplated in *Review Publishing (CA)* at [133] to [137] does not arise on the present facts.

75 Now, what did the Defendant seek to justify?

76 From the way in which his pleadings were organised, it was not immediately apparent that the Defendant sought to justify the substance of the First Meaning. The gist of the First Meaning is that the Claimant “was willing to create fake identities on Facebook”, thereby suggesting that he was dishonest. From the Defendant’s pleadings, the Claimant’s use of “fake accounts” in the names of “Seng Toh Toh” and “Ba Zhang” was raised to justify the Second and Third Meanings rather than the First Meaning.⁷⁴ However, this defence is highly pertinent to the First Meaning, and the Claimant was given sufficient notice of the allegation that he was the one operating the “Seng Toh Toh” and “Ba Zhang” Facebook accounts. Hence, although the defence appeared to be pleaded in opposition to Meanings other than the First Meaning, I find it appropriate to also consider this defence in the context of the First Meaning.

77 As for the Amended Third Meaning, the sting of the defamatory words in the Third and Sixth Posts is that the Claimant had posted a video containing a woman engaging in sexual activity on Facebook. In response to the original Third Meaning relied upon by the Claimant, the Defendant pleaded that the Claimant had, using the “Ba Zhang” account, posted the said video online.⁷⁵ That defence remains relevant notwithstanding my finding of a less damaging meaning than the Claimant’s pleaded Third Meaning. Should the Defendant

⁷⁴ AD at [8iv].

⁷⁵ AD at [8vii].

succeed in proving his pleaded allegations, he would thereby have proved the sting of the Amended Third Meaning to be true.

78 Having satisfied myself that the defence of justification has been sufficiently pleaded in response to the First and Amended Third Meanings, I proceed to consider whether the Defendant has managed to prove this defence on a balance of probabilities.

79 I start with the First Meaning. To succeed in his defence to the defamatory sting of the First Meaning, the Defendant must prove what he has pleaded – that the Claimant operated two Facebook accounts with the usernames “Seng Toh Toh” and “Ba Zhang”. The Claimant denies operating the “Seng Toh Toh” account at any point.⁷⁶

80 To prove that the Claimant was the person operating the “Seng Toh Toh” account, the Defendant relies on the following matters:

- (a) The Claimant told him that he had a “fake account” with the username “Seng Toh Toh” (the “**First Fact**”);⁷⁷
- (b) The Claimant and “Seng Toh Toh” used similar phrases and words in their messages and posts (the “**Second Fact**”);⁷⁸
- (c) “Seng Toh Toh” posted about things that the Claimant knew about (the “**Third Fact**”);⁷⁹ and

⁷⁶ CAEIC at [20].

⁷⁷ AD at [8ivb].

⁷⁸ DAEIC at [12].

⁷⁹ DAEIC at [13].

(d) The Claimant has no objective proof to show that “Seng Toh Toh” was not operated by him (the “**Fourth Fact**”).⁸⁰

81 In my judgment, the Defendant has not proved the First Fact. Although it was pleaded, the Defendant did not adduce any evidence – not even a bare assertion – in his AEIC to prove that the Claimant had told him that he operated the “Seng Toh Toh” account. Nor did the Defendant’s counsel put the First Fact to the Claimant in cross-examination so as to give the Claimant a fair opportunity to respond to it.

82 I move on to the Second Fact. The Defendant has also failed to prove the Second Fact. The Defendant gives two examples in which the Claimant and “Seng Toh Toh” allegedly used similar turns of phrase in their Facebook posts:

(a) In April 2024, the Claimant, using his Facebook account with the username “Dave Ng”,⁸¹ used the phrase “*Please dun throw your friend under the bus again and again (sic)*” in a Facebook post.⁸² On 11 March 2025, “Seng Toh Toh” used the phrase “*Just push people under the car (sic)*”.⁸³

(b) On 13 April 2024, the Claimant posted, *inter alia*, “*People leave you Becos of your behavior and character. Who stir shit to gain attention to attract new customer. Who want to start Crystal Business, keep flipping story (sic)*”.⁸⁴ On 8 March 2025, “Seng Toh Toh” posted, *inter*

⁸⁰ DAEIC at [11].

⁸¹ NE on page 22, line 25, to page 23, line 4.

⁸² DAEIC at 22.

⁸³ DAEIC at 23.

⁸⁴ DAEIC at 20.

*alia, “Who want to sell crystal? Very funny, you are the one selling crystal now why should I sell crystal instead? [laughing emoticons omitted]”.*⁸⁵

83 The alleged similarities between the Facebook posts made by the Claimant and “Seng Toh Toh” either so commonly used that no meaningful conclusion as to the identities of their respective authors can be drawn, or do not exist at all.

84 I start with the first set of posts at [82(a)] above. The Claimant’s post is an exhortation to the subject not to shift the blame onto or betray his friend – that is the meaning of the expression “throw [one’s] friend under the bus”. “Seng Toh Toh’s” post is an accusation that the reader actually “push[es] people under the car”, which I interpret to mean shifting the blame onto some unknown third party. Whilst the idiomatic expressions used in both posts are similar, the expression is sufficiently common that this similarity cannot, by itself, constitute an identifying link between the Claimant and “Seng Toh Toh”. Moreover, the two posts differ in both their nature and subject matter.

85 In respect of the second set of posts at [82(b)] above, there is no similarity at all.

(a) Read in its proper context, what the Claimant was saying, in less than perfect English, was that people distanced themselves from the subject of his post owing to certain behaviours exhibited by the subject: creating drama to gain attention and thereby attract new customers, and – as far as I can make out from the poor grammar and diction – starting a business selling crystals whilst repeatedly changing his story on an

⁸⁵ DAEIC at 21.

unknown topic. The Claimant was, in substance, pointing out bad behaviour on the part of the target of his post; he was neither mocking nor insulting the Defendant's attempt to sell crystals as the latter alleges.⁸⁶

(b) Nor can "Seng Toh Toh's" post be read as making a mockery of the Defendant's crystal business. The rhetorical question "who wants to sell crystals" conveyed no more than "Seng Toh Toh's" wish not to be involved in the business of selling crystals. "Seng Toh Toh" also noted, not inaccurately, that it was the Defendant who worked in that line of business and that, therefore – by some strange logic – "Seng Toh Toh" had no need to be in the same line of business.

86 I come to the Third Fact. Like the First and Second Facts, the Third Fact has also not been proved. The Defendant again gives two examples to substantiate his Third Fact. The first example pertains to a photograph of a cheque the Defendant received (the "**Photograph**"), which he sent to the Claimant on or about 6 December 2021.⁸⁷ On that same date, "Seng Toh Toh" posted a cropped version of the Photograph on his Facebook page.⁸⁸ The second pertains to a post made by "Seng Toh Toh" on an unknown date, in which he apparently refers to one Nancy – who was at one time a friend of both parties⁸⁹ – as a chartered accountant,⁹⁰ a fact that the Defendant alleges was known only to the Claimant.⁹¹

⁸⁶ DAEIC at [12].

⁸⁷ DAEIC at 14.

⁸⁸ DAEIC at 17.

⁸⁹ DAEIC at [10].

⁹⁰ DAEIC at [14] to [15] and page 27.

⁹¹ DAEIC at [15] and page 27.

87 I accept that the first example raises some suspicion as to the Claimant's denial that he operated the "Seng Toh Toh" account. However, these circumstances do not, whether considered individually or cumulatively, justify the irresistible inference that the two persons are one and the same. On the objective evidence, "Seng Toh Toh" posted the cropped version of the Photograph within four to five hours of the Defendant sending it to the Claimant.⁹² That interval is not so short as to render it implausible that the Claimant and "Seng Toh Toh" were different individuals. Further, while the Claimant did not elucidate his reasons for allegedly sending the Photograph to "Seng Toh Toh" after receiving it from the Defendant,⁹³ a distinction must be drawn between the fact of an act and the reasons for undertaking it. Even if the Claimant had no good reason for forwarding the Photograph to "Seng Toh Toh", that does not preclude the possibility that he in fact did so. Taken as a whole, the most that can be said of the first example is that the Defendant has raised suspicion about the Claimant's denial of being "Seng Toh Toh". Mere suspicion, however, does not make out a defence.

88 I turn to the second example. I decline to place any weight on the evidence adduced by the Defendant in this regard. First, the Defendant did not obtain a proper translation by a certified translator of "Seng Toh Toh's" undated post in which he allegedly refers to Nancy as a "chartered accountant". That post is in Chinese and remains untranslated to date. The only basis for the Defendant's assertion that "Seng Toh Toh" used the words "chartered accountant" in that post is Nancy's own interpretation of that post in her

⁹² DAEIC at 14 to 15. The Defendant sent the Photograph to the Claimant at 14:56h, and the Defendant sent screenshots of "Seng Toh Toh's" post containing the cropped Photograph to the Claimant at 19:37h.

⁹³ DAEIC at 16. See too NE on page 20, lines 22 to 29.

WhatsApp message to the Defendant.⁹⁴ This brings me to the second difficulty. In that WhatsApp message, Nancy said:

“Why STT know I am Chartered Accountant? Only Dave knows... (sic)” (the “**Message**”)

89 To prove that the Claimant was “Seng Toh Toh”, the Defendant must prove that the latter knew things that *only* the Claimant knew. To establish that Nancy’s occupation was information known only to the Claimant, the Defendant must rely on the truth of the Message – i.e., that only “Dave”/the Claimant knew that she was a chartered accountant. But Nancy was not called as a witness at trial. The Message is therefore hearsay evidence. Whilst the Claimant did not raise a hearsay objection to this Message (nor did he seriously engage with the Second Fact and the two examples under the Third Fact), this is beside the point. The provisions in the Evidence Act 1893 are mandatory, and the Defendant did not identify any provision under which the Message could be rendered admissible (*Keimfarben GmbH & Co KG v Soo Nam Yuen* [2004] 3 SLR(R) 534 at [17]). I therefore disregard the Message entirely. Without this Message, the Defendant has nothing to sustain his second example.

90 Finally, I address the Fourth Fact. Having failed to discharge his legal and evidential burdens in establishing the defence of justification, the fact that the Claimant did not *disprove* that he was “Seng Toh Toh” – whether by adducing the relevant objective evidence or calling as a witness the person behind the “Seng Toh Toh” account – is neither here nor there. A claimant is under no obligation to rebut a defence that has not been made out.

91 Accordingly, the Defendant has failed to prove that the Claimant was the person operating the “Seng Toh Toh” account.

⁹⁴ DAEIC at 27.

92 For reasons similar to those set out at [81] and [90], and given the absence of evidence linking the Claimant to the “Ba Zhang” Facebook account, I further find that the Defendant has failed to prove that the Claimant was the person operating the “Ba Zhang” account.

93 Accordingly, the Defendant has failed to justify the First Meaning.

94 I move on to the Amended Third Meaning. The Defendant must prove, as he alleges, that the Claimant posted a video of a woman engaging in sexual activity online. Having rejected the Defendant’s attempts to prove that the Claimant was the person operating the “Seng Toh Toh” and “Ba Zhang” accounts, any evidence purportedly showing that “Ba Zhang” had posted such a video⁹⁵ is irrelevant. Furthermore, it is *not* the Defendant’s case that the Claimant used his personal Facebook account with the moniker “Dave Ng” to post that video. The Defendant accordingly has no proof that the Amended Third Meaning is true.

95 In the circumstances, the Defendant has also failed to justify the Amended Third Meaning.

96 I therefore grant judgment in favour of the Claimant in respect of liability.

V. Issue 3: Should the Claimant succeed on liability, what relief is the Claimant entitled to?

97 The reliefs pleaded by the Claimant are:

- (a) Damages;

⁹⁵ DAEIC at [22].

- (b) An apology to be published on the Defendant's Facebook page;
and
- (c) Interest.⁹⁶

98 In his submissions, the Claimant sought \$25,000 in general damages and \$15,000 in aggravated damages.⁹⁷ The Defendant contends that the Claimant is either not entitled to damages at all,⁹⁸ or at best entitled to nominal damages.⁹⁹

(A) There is no legal basis for the apology order sought.

99 I address the prayer for an apology first, as it is the easiest matter to dispose of. I know of no statutory basis or common law principle empowering me to order a defendant to apologise. Section 10 of the Defamation Act 1957 concerns only how the Defendant may give evidence of an apology he has made or offered to the Claimant in mitigation of damages; it does not say, nor does it necessarily follow, that a Court can order a Defendant to make such an apology.

100 Additionally, the Claimant's counsel has not advanced any legal basis on which this Court can order the Defendant to apologise. In fact, I am aware of High Court authority definitively stating that a Court has no power to compel a defendant to publish a correction or an apology in actions for defamation (*Excel Golf Pte Ltd v Allied Domecq Spirits & Wine (Singapore) Ltd* [2003] SGHC 255 at [7]).

⁹⁶ SOC at [13a] to [13c].

⁹⁷ CS at [21].

⁹⁸ DS at [41].

⁹⁹ DS at [52].

101 For these reasons, I decline to make the order sought at [13b] of the SOC.

102 I turn to consider the issue of damages.

(B) General damages in the sum of \$8,000 are warranted.

103 In *Lee Hsien Loong v Xu Yuan Chen and another suit* [2022] 3 SLR 924 (“*Xu Yuan Chen*”), the High Court explained the principles and considerations underpinning an award of general damages in an action for defamation. At [67], Justice Audrey Lim elaborated as follows:

General damages are compensatory in nature and serve to console the plaintiff for the distress he has suffered from the publication of the statement, to repair the harm to his reputation and to vindicate his reputation... In determining the appropriate quantum of general damages, the following circumstances are relevant:

- (a) the nature and gravity of the defamation;**
- (b) the conduct, position and standing of the plaintiff and the defendant;**
- (c) the mode and extent of publication;**
- (d) the natural indignation of the court at the injury caused to the plaintiff;**
- (e) the conduct of the defendant from the time the defamatory statement is published to the very moment of the verdict;**
- (f) the failure to apologise and retract the defamatory statement;**
- (g) the presence of malice; and**
- (h) the intended deterrent effect of the damages.**

104 I consider these factors in light of the four posts that I have found to be defamatory; i.e., the Second, Third, Fourth, and Sixth Posts (the “**Four Defamatory Posts**”).

105 The Claimant's submissions offered limited assistance on this issue. The only portions of the CS bearing some relevance to the factors set out in *Xu Yuan Chen* are [19] and [21], which list factors pertaining to the nature of the defamation (see factor (a) at [103] above) and the extent of publication (see factor (c) at [103] above). I therefore take the Claimant to be conceding that the other factors set out at [67] of *Xu Yuan Chen* are either not disclosed on the evidence, or, if disclosed, do not weigh in his favour.

106 **Factor (a)** pertains to the nature and gravity of the defamation. To recapitulate, the defamatory meanings I have found are that the Claimant was dishonest (the First Meaning), and that he had committed an offence by posting a video containing sexual content on Facebook (the Amended Third Meaning).

107 I find the libel conveyed by the First Meaning to be of moderate severity at most. An allegation of dishonesty touches on the Claimant's character and integrity, and would ordinarily be considered serious but for the specific basis underlying the suggestion of dishonesty in this case. The only basis for that suggestion was the allegation that the Claimant was willing to create fake identities on Facebook. In the larger scheme of things, this is a trivial imputation of dishonesty.

108 As for the libel contained in the Amended Third Meaning, the allegation that the Claimant had committed a crime by disseminating sexual content online is a serious one. The offence imputed is not minor and, as stated earlier, would likely engender a general aversion to the Claimant in the mind of the right-thinking reader.

109 **Factor (b)** pertains to the conduct, position, and standing of the parties. Where the claimant is a public leader, higher damages may be awarded to reflect

the greater damage done to them personally and to the reputation of the institution of which they are members (see *Xu Yuan Chen* at [70]). Conversely, the higher the standing and reputation of the defendant, the greater the weight accorded to his words, and thus the greater the damage done to the plaintiff (see *Xu Yuan Chen* at [71]).

110 Whilst a plaintiff is presumed to have suffered damage to his reputation by reason of the defamation and does not have to prove actual loss (e.g., financial loss), this is a *rebuttable presumption* (see *Xu Yuan Chen* at [75]). The burden is on the defendant to rebut this presumption. For example, the defendant may produce evidence to show, in the context of online defamation, that all or a majority of the readers of the publication made comments demonstrating that they did not believe the allegations therein (see *Xu Yuan Chen* at [78]).

111 Factor (b), in my view, operates to substantially reduce any damages to which the Claimant is entitled. Neither the Claimant nor the Defendant is a political office-holder or public figure. The only indication of the Claimant's position in society is that he is a businessman¹⁰⁰ and the director of a company "representing an American organization that specialises in industrial washing systems", with some government agencies and commercial enterprises as its clients.¹⁰¹ No further information about the Claimant's company – including its size, shareholding, annual earnings or listed status – has been provided. Without such information, all that I can conclude about the Claimant's standing is that he is an ordinary member of society. The Defendant's standing is no better or worse. We know only that the Defendant is a geomancer who is also in the

¹⁰⁰ SOC at [1].

¹⁰¹ CAEIC at [9].

business of selling crystals.¹⁰² There is likewise no further information before me about the Defendant’s practice or business. The evidence therefore establishes that both parties are ordinary members of society.

112 From his submissions, the Defendant appears to be attempting to rebut the presumption of damage referred to at [110] above by arguing as follows:

- (a) The Claimant’s witnesses who testified to reading the Four Defamatory Posts are his friends who did not believe their contents;¹⁰³
- (b) The Four Defamatory Posts had been deleted by the date of commencement of this suit (being 2 December 2024);¹⁰⁴ and
- (c) The Claimant has not been able to prove the reach of the Four Defamatory Posts beyond his three witnesses; in this respect, the Defendant relies on the “*Jameel* doctrine” applied by the District Court in *Nguyen Thuy Ha v Tran Thi Bich Ha and another matter* [2026] SGDC 84 (“*Nguyen*”).¹⁰⁵ Briefly, the *Jameel* doctrine – derived from the English Court of Appeal’s (“ECA”) decision in *Jameel (Yousef) v Dow Jones & Co Inc* [2005] QB 946 (“*Jameel*”) – stands for the proposition that a claim in defamation involving only nominal publication discloses no real and substantial tort and is therefore liable to be dismissed as an abuse of process (see *Qingdao* at [144] to [147]). The rationale is that of proportionality; even if the plaintiff in a case involving nominal publication succeeds on liability, both the damage and the vindication

¹⁰² NE on page 88, lines 17-18. DAEIC at [12].

¹⁰³ DS at [42].

¹⁰⁴ SOC at [11]. DS at [49d].

¹⁰⁵ DS at [50] to [52].

would be minimal. As the ECA in *Jameel* observed, “the cost of the exercise will have been out of all proportion to what has been achieved” (see *Qingdao* at [145]).

113 I agree with the Defendant’s submissions at [112] above, and accordingly find that the Defendant has rebutted the presumption of damage to the Claimant’s reputation. However, I disagree that the consequence is either no award of damages or an award of nominal damages – substantial damages, albeit in a restrained amount, are still warranted to vindicate the plaintiff’s injured reputation and to console him for the distress he has suffered (see *Xu Yuan Chen* at [76]).

114 I explain.

115 First, it is true that all three of the Claimant’s witnesses testified that they did not believe any of the Facebook posts published by the Defendant.¹⁰⁶ Presumably, this was on account of their relationships with the Claimant, which they described in terms ranging from “friends” to “good friends”.¹⁰⁷ This is precisely the sort of scenario contemplated at [78] of *Xu Yuan Chen*: the Defendant has proved that the persons who actually read the Four Defamatory Posts did not believe their contents, and therefore that the Claimant’s reputation has suffered no damage within this established readership.

116 Second, it is an agreed fact that the Defendant had deleted all the posts which form the subject of this suit, including the Four Defamatory Posts, by 2

¹⁰⁶ NE on page 47, lines 2 to 9 (Mr Tan); page 85, lines 15 to 21 (Mr Sim); and page 71, lines 15 to 17 (Ms Lim).

¹⁰⁷ NE on page 46, line 31, to page 47, line 1 (Mr Tan: “good friends”); page 54, lines 28 to 31 (Ms Lim: “a friend”); and page 75, lines 1 to 2 (Mr Sim: “friends”).

December 2024.¹⁰⁸ This fact is more relevant to the analysis under factor (c) than factor (b); however, given the significant overlap between the two analyses arising from the arguments pursued by the Defendant, I address it here. The Four Defamatory Posts were published between 11 and 12 April 2024; they remained online for approximately 7.5 months.

117 Third, I agree that, as a matter of *fact*, the Claimant has not been able to prove readership of the Four Defamatory Posts beyond his three witnesses. The objective evidence may be summarised as follows:

- (a) 32 reactions and 2 comments were left on the Facebook post comprising the Second and Third Posts (which, it will be recalled, were made in the same Facebook post);
- (b) 23 reactions and 0 comments were left on the Fourth Post; and
- (c) 0 reactions and 0 comments were left on the Sixth Post.

118 On the objective evidence alone, the readership of the Sixth Post comprises, at best, the Claimant's three witnesses.

119 What of the Second, Third, and Fourth Posts? Should I take each reaction and each comment to represent a unique reader of each publication? In my view, the answer is no. My reasons are as follows:

- (a) First, there is no evidence as to whether these reactors and commenters (as I shall call them) were based in Singapore when they read the Posts. It is trite that the tort of defamation must have been committed within the jurisdiction (see *Qingdao* at [149]). For readership

¹⁰⁸ AD at [11].

to be taken into account in the damages analysis, it must be shown that these readers would also have satisfied the requirements for establishing liability – in other words, that they would have satisfied *both* Requirements of publication laid down in *Qingdao* (see [13] above). The Claimant has adduced no evidence to establish this.

(b) Second, there is a real possibility that the same individual who commented on a Post *also* “reacted” to the same Post. Taking each reaction and each comment to represent one unique reader might therefore lead to double-counting.

(c) Third, even if the number of reactors and commenters roughly reflects the number of human readers of these three Posts, the actual contents of the comments left on these Posts have not been adduced. It therefore remains an open question whether those comments would show that these readers believed or rejected the defamatory statements. I do not consider it appropriate to presume either way.

(d) Fourth, the well-known phenomenon of bots – i.e., non-human operators of accounts designed to mimic human users – cannot be discounted. It is unsafe to assume that every single reactor and commenter on these three Posts is actually human.

(e) Fifth, I disregard any suggestion by the Claimant that there may have been other “friends” of his, besides the three witnesses, who also read the Defendant’s posts. The Claimant allegedly knows of this because these “friends” allegedly “told [him] about these posts”.¹⁰⁹ That

¹⁰⁹ CAEIC at [16].

evidence is hearsay, being an out-of-court statement relied upon for the truth of its contents, and is therefore inadmissible.

120 I accordingly find that the readership of the Second, Third, and Fourth Posts is likewise limited to the Claimant’s three witnesses.

121 Thus, to the extent that *Nguyen* suggested (see [32]), on the basis of the principle in *Jameel*, that any award of damages would be modest where the plaintiff succeeds only in proving limited publication, I agree. This was in fact foreshadowed by the High Court at [135] of *Qingdao*:

This is a convenient juncture to flag out the defendants’ argument that this is a suitable case to classify the claim as one of nominal publication, and which should therefore be dismissed in accordance with the *Jameel* doctrine. **Generally, publication to one person will suffice though the scale of the publication will affect the damages...**

[emphasis in bold added]

122 **Factor (c)** pertains to the mode and extent of publication.

(a) Whilst the Four Defamatory Posts were published online, they have since been deleted. The 7.5-month period over which they were available online is relatively modest.

(b) As to the extent of the publication of the Four Defamatory Posts, I find – for the same reasons set out at [27], [115] to [120] above – that the extent of publication in this case was minimal, reaching an audience of only three in Singapore.

123 Accordingly, the present claim warrants only a modest sum of general damages. Given that each defamatory publication constitutes a separate tort (*Foo Diana v Woo Mui Chan* [2025] 4 SLR 54 (“*Foo Diana*”) at [68]), I will

consider the quantum of damages for each of the Four Defamatory Posts separately.

124 Because of the position he took (see [98] above), the Defendant did not cite any authorities on the quantum of damages to be awarded in the event that the claim succeeded. The Claimant, on the other hand, relied on a single case – *Tan Li-Ching Olivia v Lek Wee Tong* [2021] SGDC 165¹¹⁰ (“*Tan Olivia*”) – to assist the Court in determining quantum.

125 In *Tan Olivia*, an accounts manager (“**Tan**”) was awarded \$10,000 in general damages in respect of two Facebook posts that the defendant (“**Lek**”) made on the same day asserting that she was an untrustworthy person who made false representations to her friends about investments before disappearing to avoid accountability, and that she was guilty of criminal conduct (at [6] to [8] and [23]). The Deputy Registrar found that the parties were ordinary citizens (at [25] to [28]), and that there was evidence of two people having read the posts and five people interacting with them (at [33] and [35]). He awarded \$10,000 in general damages in respect of both posts collectively.

126 For the reasons that follow, I am unable to accept the Claimant’s unsubstantiated submission that he deserves a larger award than the plaintiff received in *Tan Olivia*. The overall seriousness of the facts in both cases is broadly commensurate. Both cases involved limited online publication to a small number of readers – two to five in *Tan Olivia*, three in the present case – and parties who were ordinary members of society.

¹¹⁰ CS at [20].

127 That said, given the specific nature of the First and Amended Third Meanings in this case, I consider it necessary to take a more refined approach by assessing each of the Four Defamatory Posts individually against the facts in *Tan Olivia*.

128 The Second and Fourth Posts imputed dishonesty to the Claimant on the relatively minor basis of his willingness to create fake online identities. In contrast, the dishonesty alleged in *Tan Olivia* was of a materially more serious nature: Lek accused Tan of making false representations in relation to her company’s investment product, which she had recommended to him and his friends, and further sought to lend weight to that accusation by linking his posts to a Bloomberg article entitled “Investors Pumped Billions into Suburbs that Never Got Built” (at [6]). The Deputy Registrar found that the inclusion of this link exacerbated the gravity of the defamation, given Bloomberg’s credibility as a reputable news agency (at [24]). Lek further accused Tan of disappearing to avoid accountability for her actions – an allegation which has no counterpart in the present case. Moreover, whilst making false representations in connection with investments that never materialised may carry an inherent suggestion of criminal conduct, there is nothing intrinsically criminal about maintaining multiple pseudonymous social media accounts.

129 I therefore find it appropriate to make a significant downward adjustment to the damages awarded for each of the two posts relative to the overall award of \$10,000 made in *Tan Olivia*. I find a sum of \$1,000 per post to be a reasonable award.

130 The Third and Sixth Posts impute criminal conduct to the Claimant. I find this imputation to be somewhat less serious than that in *Tan Olivia*. In *Tan Olivia*, the defamatory posts conveyed that Tan had defrauded several investors

of their money and thereafter evaded the consequences of her actions. Here, the allegation only involves a one-off dissemination of sexual content online with no suggestion that the Claimant sought to evade any legal consequences arising from it. Unlike in *Tan Olivia*, where the accusations of dishonesty and criminal conduct were intertwined, the criminal act alleged in the Amended Third Meaning carries no flavour of dishonesty. A downward calibration from *Tan Olivia* is again warranted. I find a sum of \$3,000 per post to be appropriate.

131 For the avoidance of doubt, the Claimant did not allege any malice on the Defendant's part (see **factor (g)** at [103] above).

132 In the round, I award the Claimant \$8,000 in general damages.

(C) No aggravated damages are awarded owing to the Claimant's failure to plead and particularise the basis of these damages.

133 Aggravated damages are awarded when the defendant's conduct before and during trial aggravates the hurt to the plaintiff's feelings (see *Xu Yuan Chen* at [68]). Recognised examples of such conduct include:

- (a) a plea of justification that is bound to fail,
- (b) persistence by way of a prolonged or hostile cross-examination of the plaintiff,
- (c) a failure to make any or any sufficient apology and withdrawal,
- (d) conduct of the preliminaries or of the trial calculated to attract wide publicity,
- (e) persecution of the plaintiff by other means, and

(f) malice (see *Xu Yuan Chen* at [68]).

134 Aggravated damages are a species of special damages and must be pleaded with sufficient specificity and particularity (see *Foo Diana* at [21] to [22]). This is because the existence and extent of aggravation are specific to the facts of each case, and are not something the law can presume in every case (see *Foo Diana* at [22]).

135 Here, the Claimant only pleaded for damages to be awarded; there was neither any reference to “aggravated damages” nor any full particulars of the facts and matters supporting the claim for aggravated damages in the SOC. Compounding this, the Claimant failed to identify any established grounds of aggravation on which he was relying to claim aggravated damages.¹¹¹ To the extent that the Claimant purports to list four factors in support of the claim for damages *overall* (i.e., both general and aggravated damages) at [21] of the CS, none of these factors is among the recognised bases for aggravated damages set out in *Xu Yuan Chen*. In fact, these four factors – all of which repeat the defamatory meanings of the Publications – are more properly taken into consideration in determining the award of *general damages*. I have in fact already done so at [106] to [108] above.

136 The question of whether a party can claim and be awarded aggravated damages when no such claim features in his pleadings has been authoritatively answered in the negative by the Court of Appeal in *Noor Azlin bte Abdul Rahman and another v Changi General Hospital Pte Ltd* [2022] 1 SLR 689 (“*Noor Azlin*”) at [246] to [247] in the context of aggravated damages generally. Read together with Order 43 rule 3(4) of the Rules of Court 2021, which applies

¹¹¹ CS at [21].

specifically in the context of defamation actions, *Noor Azlin* makes it incontrovertible that a party cannot claim aggravated damages for defamation in the absence of a specific pleading for and full particulars given of the basis for such damages (see *Noor Azlin* at [266]). O. 43 r. 3(4) of the Rules of Court 2021 reads as follows:

(4) Without affecting Order 6, Rule 5 and Order 9, Rule 13, the claimant must give **full particulars** in the statement of claim of the facts and matters on which the claimant relies in support of the claimant’s claim for damages, **including details of any conduct by the defendant which it is alleged has increased the loss suffered and of any loss which is peculiar to the claimant’s own circumstances.**

[emphasis in bold added]

137 Therefore, in light of the Claimant’s omission to plead a claim for aggravated damages or to provide full particulars of the material facts supporting such a claim, as well as his failure to substantively canvass the question of aggravated damages in submissions, I decline to make any award of aggravated damages.

VI. Conclusion.

138 For the above reasons, judgment is granted in favour of the Claimant for a total sum of **\$8,000 in general damages.**

139 As for the prayer for “interest” in the SOC,¹¹² the Claimant did not specify whether that prayer seeks pre-judgment or post-judgment interest. The former cannot be awarded on general damages in defamation actions for the reasons set out at [88] to [91] of the Court of Appeal’s decision in *Jeyaretnam Joshua Benjamin v Lee Kuan Yew* [1992] 1 SLR(R) 791. Hence, I only award

¹¹² SOC at [13c].

post-judgment interest at 5.33% per annum on the sum of \$8,000, to run from the date of this judgment to the date of payment.

140 If the parties are unable to agree on the issues of costs and disbursements, they are to file written submissions thereon, limited to five pages, within two weeks of the date of this judgment.

Tay Jingxi
District Judge

Mr P Padman (Yuen Law LLC) for the claimant;
Mr Tan Sia Khoon Kelvin David (Linea Law LLC) for the defendant.