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

District Judge Chiah Kok Khun
3 June 2026

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGMC 67

Magistrate's Court Originating Claim No 5777 of 2025 (Magistrate's Court Summons No 111 of 2026)

Between

Cairnhill Law LLC

… *Claimant*

And

Royal's Sanitary & Plumbing Pte Ltd

… *Defendant*

JUDGMENT

[Contempt of Court – Civil contempt – Company failing to comply with monetary judgment – Company director failing to attend examination of enforcement respondent hearing – Whether failure to attend intentional – Whether company director's conduct contumelious – Whether contempt purged – Whether committal proceedings should be remedy of last resort – Section 4(1) Administration of Justice (Protection) Act 2016]

TABLE OF CONTENTS

INTRODUCTION **1**

ISSUES TO BE DETERMINED **2**

ANALYSIS AND FINDINGS **2**

THE LEGAL PRINCIPLES 2

DEEPA HAD TAKEN REASONABLE STEPS IN REGARD TO THE EER PROCESS 6

DEEPA'S CONDUCT WAS NOT CONTUMELIOUS 9

CONCLUSION **11**

This judgment is subject to final editorial corrections approved by the court and/or redaction pursuant to the publisher's duty in compliance with the law, for publication in LawNet and/or the Singapore Law Reports.

Cairnhill Law LLC
v
Royal's Sanitary & Plumbing Pte Ltd

[2026] SGMC 67

Magistrate's Court Originating Claim No 5777 of 2025 (Magistrate's Court Summons No 111 of 2026)
District Judge Chiah Kok Khun
21 May 2026

3 June 2026 Judgment Reserved

District Judge Chiah Kok Khun:

Introduction

1 The parties in this application are related to the parties in a similar application that was argued before me (the "earlier application"). The nature of both applications is also similar; they seek to commit the directors of judgment debtor companies for their absence at examination of enforcement respondent ("EER") hearings. I dismissed the earlier application, and my reasons are set out in *Cairnhill Law LLC v Royal's Engineering & Trading (S) Pte Ltd* [2026] SGDC 113 ("*Cairnhill Law*").

2 The claimant is a law firm that had previously acted for the defendant. The claimant rendered invoices for its fees that were disputed by the defendant. The claimant commenced action against the defendant for the invoices and

obtained a judgment in default. The claimant then took out an order for EER against the director of the defendant, Ms Subramanian Deepa ("Deepa").

3 As alluded to earlier, the application by the claimant is for a committal order to be issued against Deepa. The application stems from the absence of Deepa at the adjourned EER hearing on 16 December 2025, and her failure to furnish answers to the questionnaire that EER examinees typically fill up in lieu of the examination ("EER questionnaire").

4 For reasons similar to the earlier application, and as elaborated below, I am dismissing the application.

Issues to be determined

5 The issues to be decided by me in this case are as follows:

(a) Whether Deepa had taken reasonable steps in regard to the EER process.

(b) Whether Deepa's conduct was contumelious.

Analysis and findings

The legal principles

6 I had set out the relevant legal principles governing committal proceedings in *Cairnhill Law*. For ease of reference, I set them out again. The starting place would be the statutory provisions found in the Administration of Justice (Protection) Act 2016 ("AJPA").

7 Section 4(1) of the AJPA provides as follows:

Version No 1: 03 Jun 2026 (14:10 hrs)

> **Contempt by disobedience of court order or undertaking, etc.**
>
> **4**. –(1) Any person who –
>
> (a) intentionally disobeys or breaches any judgment, decree, direction, order, writ or other process of a court; or
>
> (b) intentionally breaches any undertaking given to a court,
>
> commits a contempt of Court.
>
> …

8 It is seen that s 4(1) of the AJPA provides that any person who intentionally disobeys or breaches any judgment, decree, direction, order, writ or other process of a court commits a contempt of court. In other words, contempt of court is committed if there is intentional disobedience or breach of a judgment or order of court.

9 Section 21 of the AJPA should also be noted. It reads as follows

> **Honest and reasonable mistake**
>
> **21**. A person is not guilty of contempt of court under section 4(1), (2) or (3) if the person satisfies the court that the failure or refusal to comply with a judgment, order, decree, direction, writ or other process of court or any undertaking given to a court was wholly or substantially attributable to an honest and reasonable failure by that person, at the relevant time, to understand an obligation imposed on the person bound by the judgment, order, decree, direction, writ, process or undertaking and that that person ought fairly to be excused.

10 It is seen that if it can be shown that the person's failure to comply with the order was wholly or substantially attributable to an honest and reasonable failure to understand the obligation imposed by the order, that person ought fairly to be excused, and he will not be guilty of contempt.

Version No 1: 03 Jun 2026 (14:10 hrs)

11 It is also well established that to show that there has been a contempt of court, the complainant will need to show that in committing the act complained of or in omitting to comply with an order of court, the alleged contemnor had the necessary mental element. In the case of *PT Sandipala Arthaputra v STMicroelectronics Asia Pacific Pte Ltd and others* [2018] 4 SLR 828 at [46], the High Court set out a two-step approach to determine whether contempt has been committed:[1]

> 46 … The court will, in determining whether the alleged contemnor's conduct amounts to contempt of court, adopt a two-step approach (*Monex Group (Singapore) Pte Ltd v E-Clearing (Singapore) Pte Ltd* [2012] 4 SLR 1169 ("*Monex Group*") at [31]:
>
> > (a) First, the court will decide what exactly the order of court required the alleged contemnor to do. In determining what the order of court required, the court will interpret the plain meaning of the language used. It will resolve any ambiguity in favour of the person who had to comply with the order.
> >
> > (b) Second, the court will determine whether the requirements of the order of court have been fulfilled: *Monex Group* at [31]; *STX Corp* at [12] and [13]). To establish that there has been a contempt of court, the complainant will need to show that in committing the act complained of or omitting to comply with an order of court, the alleged contemnor had the necessary *mens rea*.
>
> 47 The threshold to establish the necessary *mens rea* for a finding of contempt of court is a low one: STX Corpat [8]; *Tan Beow Hiong v Tan Boon Aik* [2010] 4 SLR 870 ("*Tan Beow Hiong*") at [47]. It is only necessary for the complainant to show that the relevant conduct of the party alleged to be in breach of the order was *intentional* and that it knew of all the facts which made such conduct a breach of the order. This includes knowledge of the existence of the order and its material terms: *Mok Kah Hong v Zheng Zhuan Yao Groupat* 2016] 3 SLR 1 ("*Mok Kah Hong*") at [86]; *Monex Group* at [30]; *Pertamina Energy* at [51]; *Tan Beow Hiong* at [47].

---

[1] I have the occasion in a previous judgment discussed the legal principles relating to contempt: see *BCH Hotel Investment Pte Ltd Trading as Intercontinental Singapore v Semtec Holdings Pte Ltd & anor* [2025] SGDC 195.

Version No 1: 03 Jun 2026 (14:10 hrs)

> 48 To this end, it is not necessary for the complainant to show that the alleged contemnor appreciated that he was breaching the order. The motive or intention of the alleged contemnor and his reasons for disobedience are irrelevant to the issue of liability, and are relevant only to the question of mitigation. The liability is strict in the sense that all that is required to be proved is service of the order and the subsequent omission by the party to comply with the order: *STX Corp* at [8] and [9]; *Mok Kah Hong* at [86]; *Pertamina* at [51] and [53]–[62]; *Tan Beow Hiong* at [47].
>
> [Emphasis added]

12 As seen, not all failures to comply with court orders are deemed contemptuous. Whilst it is not necessary for the complainant to show that the alleged contemnor appreciated that he was breaching the order, the failure of the contemnor to comply with the court order in question must be intentional. The requisite *mens rea* for contempt must be proven. In *Mok Kah Hong v Zheng Zhuan Yao* [2016] 3 SLR 1 ("*Mok Kah Hong*") the Court of Appeal in discussing the requisite *mens rea* reiterated that the breach of the court order must be intentional. The Court of Appeal stated at [86] as follows:

> 86 Secondly, as regards the issue of the requisite *mens rea* to establish contempt for disobedience of court orders, it is accepted that it is only necessary to prove that the relevant conduct of the party alleged to be in breach of the court order was intentional and that it knew of all the facts which made such conduct a breach of the order: *Pertamina Energy Trading Ltd* at [51]. …

13 Therefore, it must be shown that the alleged contemnor intended to breach the court order. In other words, it is not to be approached in the same way as a strict liability offence, and any suggestion to the contrary is misplaced.

14 It should also be noted that the applicable standard of proof is that of the criminal standard of proof beyond reasonable doubt: The Court of Appeal stated in *Mok Kah Hong* at [85]:

Version No 1: 03 Jun 2026 (14:10 hrs)

> 85 First, it is well-established that the applicable standard of proof to both criminal and civil contempt is that of the criminal standard of proof beyond reasonable doubt: *Pertamina Energy Trading Ltd v Karaha Bodas Co LLC and others* [2007] 2 SLR(R) 518 ("*Pertamina Energy Trading Ltd*") at [31]–[32], citing *In re Bramblevale Ltd* [1970] Ch 128 at 137.

Deepa had taken reasonable steps in regard to the EER process

15 With the above legal principles in mind, I return to the present case.

16 As alluded to above, the parties in this application are related to the parties in the earlier application. The claimant in the present case was also the claimant in the earlier application. The claimant had acted for the defendant in the earlier application and like in the present case, rendered invoices for its fees that were disputed. The claimant commenced action against the defendant in the earlier application for payment of the invoices and obtained a judgment in default. The claimant then took out an order for EER against the defendant's director in the earlier application, who is Deepa's husband.

17 In the present case, the claimant likewise took out an application for EER after obtaining the judgment in default against Deepa. The application was fixed for hearing, and Deepa attended the EER hearing on 11 November 2025. She also submitted the EER questionnaire that was forwarded to her by the claimant prior to the hearing. It would appear however that the EER questionnaire she submitted had two missing pages. The EER questionnaire sent to her was printed on double-sided pages, whilst she had printed only one side of her completed EER questionnaire when she submitted it at the hearing. Deepa also informed the court at the hearing that she needed time to provide further documents.[2]

---

[2] Para 10 of Deepa's affidavit filed 9 April 2026.

Version No 1: 03 Jun 2026 (14:10 hrs)

18 The deputy registrar conducting the EER hearing then adjourned the matter to 16 December 2025 for further hearing. Deepa did not turn up at the 16 December 2025 hearing. Deepa explained that as she had no pen and paper with her when the deputy registrar gave the date of the adjourned hearing, she did not write down the date but instead committed to memory the adjourned date. She had however mistakenly remembered the date as 19 December 2025.[3]

19 When Deepa did not turn up at the 16 December 2025 hearing, the claimant did not ask the court for an adjournment of the hearing or take any steps to determine why Deepa, having turned up for the previous hearing, was absent. Instead, the claimant asked to vacate the EER hearing so as to commence committal proceedings against her.

20 Upon realising that she had missed the further EER hearing, Deepa wrote an email to the court on 22 December 2025 to apologise. She also set out her explanation for missing the hearing. She reiterated that it was not her intention to disregard the court's directions and emphasised that she was fully prepared to comply with any further instructions the court may issue.[4] The email to the court was copied to the claimant. The material portions of her email are as follows:

> …
>
> I sincerely apologize for my absence at the hearing scheduled for 16 December 2025. The non-attendance was due to an inadvertent error on my part in recording the hearing date as 19th December 2025 when I attended the hearing in the Chambers on the 9th September 2025. Hence, it resulted in me noting down the wrong date in my calendar. …
>
> I deeply regret any inconvenience or disruption my absence may have caused to the Court and the parties involved. I assure you

---

3 Para 11 of Deepa's affidavit filed 9 April 2026.

4 Para 15; p 25 of Deepa's affidavit filed 9 April 2026.

Version No 1: 03 Jun 2026 (14:10 hrs)

> that this was a genuine oversight, and I did not intend to disregard the Court's directions. I respectfully seek the Court's understanding in this matter and am fully prepared to comply with any further instructions the Court may issue.

21 It is seen that Deepa upon realising that she had missed the court date rendered her apology in writing to the court immediately. She also went on record to state that she stood ready to abide by any further directions from the court. About a week later, on 30 December 2025, Deepa forwarded to the claimant all the documents sought for by the claimant in the EER process.[5]

22 The claimant did not respond. Instead, on the next day 31 December 2025, the claimant informed the court that it had filed the summons for leave to commence committal proceedings against Deepa. I note that the claimant did not disclose to the court that Deepa had complied with her obligation with the requests for documents as directed at the EER hearing. On 6 January 2026, the claimant filed the summons for committal proceedings and served the committal papers by way of email on 27 January 2026. I note that Deepa made full payment of the judgement sum on 10 February 2026, including costs.[6]

23 In my view, Deepa had taken reasonable steps in regard to the EER process. At the outset, it should be noted that she attended the first EER hearing. She had also by then completed the EER questionnaire that was forwarded to her by the claimant prior to the hearing, which she handed over at the hearing. As for the two missing pages in the completed EER questionnaire, I accept her explanation for those missing pages.[7] I also note that Deepa informed the court

---

5 Para 16; p 27 of Deepa's affidavit filed 9 April 2026.

6 Para 18 of Deepa's affidavit filed 9 April 2026.

7 Para 10 of Deepa's affidavit filed 9 April 2026.

Version No 1: 03 Jun 2026 (14:10 hrs)

at the hearing that she needed time to provide further documents. She was clearly seeking to cooperate with the claimant in the EER process.

24 As discussed above, under s 21 of the ACPA if it can be shown that the person's failure to comply with the order was wholly or substantially attributable to an honest and reasonable failure to understand the obligation imposed by the order, he or she will not be guilty of contempt. In this regard, I note that Deepa's failure to attend court was wholly or substantially attributable to an honest and reasonable failure which ought to be excused by the court. I also note that upon realising that she had missed the court date, Deepa rendered her apology in writing to the court immediately. She further went on record to state that she stood ready to abide by any further directions from the court. Moreover, about a week later she forwarded to the claimant all the documents sought for by the claimant in the EER process. Plainly this is not a case of a person who blatantly disregarded court orders and directions. In my view, Deepa ought fairly to be excused for her failure to attend the 16 December 2025 hearing.

Deepa's conduct was not contumelious

25 Further, in my view, Deepa's conduct cannot be said to be contumelious. As I have discussed in *Cairnhill Law*, not all failures to comply with court orders are deemed contemptuous. The requisite *mens rea* for contempt must be proven. The breach by the alleged contemnor must be intentional. In the present case, it cannot be said that Deepa deliberately chose not to comply with the order to attend the EER hearing. She had attended the first EER hearing and provided documents, although she had missed out two pages of the completed EER questionnaire. The failure to provide a fully completed EER questionnaire in the circumstances cannot be said to be intentional. She also sought time to

Version No 1: 03 Jun 2026 (14:10 hrs)

provide further documents, which the court granted. As for Deepa's failure to attend court on 16 December 2026, I have found that her failure was wholly or substantially attributable to an honest and reasonable failure which ought to be excused by the court. It cannot be stated that she had the requisite *mens rea* to intentionally breach the EER Order.

26 In my view, in assessing whether any disobedience of court orders is tantamount to contempt of court, a distinction has to be drawn between conduct that is calculated to disrupt the due process of the court and unintended non-compliance of court orders. The discussion above showed that Deepa had taken reasonable steps in regard to the EER process. She attended the first EER hearing; she had by then completed the EER questionnaire that was forwarded to her by the claimant prior to the hearing, which she handed over at the hearing; and she also sought time to provide further documents. Upon realising that she had missed the court date, Deepa rendered her apology in writing to the court immediately. Moreover, about a week later she forwarded to the claimant all the documents sought for by the claimant in the EER process.

27 It is clear Deepa appreciated the seriousness of any breach and she had co-operated. In my view, it is plain that in the present case it can be said in any event that Deepa had purged her contempt. The requisite *mens rea* for contempt is therefore not made out. As alluded to above, the applicable standard of proof in committal application is that of the criminal standard of proof beyond reasonable doubt. I find that the claimant has not proved beyond reasonable doubt that Deepa was in contempt of court.

Version No 1: 03 Jun 2026 (14:10 hrs)

Conclusion

28 The burden is on the claimant asserting contemptuous conduct on the part of Deepa to prove its case beyond reasonable doubt. The claimant has not adduced any evidence to persuade me that Deepa possessed the requisite *mens rea* for contempt. I therefore find Deepa not guilty of contempt of court. The application by the claimant to commit her is dismissed. Given the circumstances leading to the application, the appropriate costs order would be for each party to bear own costs; and I so order.

29 I would repeat my remarks on committal proceedings that I made in *Cairnhill Law*. Committal proceedings should be brought as a remedy of last resort. That there is a distinction drawn between using committal proceedings as a remedy of last resort and the requirement of having to exhaust all other alternative remedies before resorting to committal proceedings does not dilute the accepted principle that they remain a remedy of last resort. In *Mok Kah Hong* at [96] the Court of Appeal held as follows:

> 96 Returning to the first ground relied upon by the court in *Khoo Wai Keong*, we should make it clear that there is a distinction between committal proceedings being a remedy of last resort and the requirement of having to exhaust all other alternative remedies before committal proceedings can be resorted to. The doctrine of exhaustion of remedies exists in areas of law such as conflicts of law and administrative law. It should not, however, be extended to the law of committal, especially where there is clear evidence that such alternative enforcement mechanisms may not be successful. We also acknowledge a number of English decisions that are often cited for the proposition that committal for contempt are orders of "last resort" when dealing with matrimonial matters (see *eg, Ansah v Ansah* [1977] Fam 138 at 144 per Ormrod LJ). We make two observations in this regard. First, *the recognition that committal orders should generally be orders of last resort* does not mean that the applicant must necessarily bear the burden of establishing that all alternative enforcement mechanisms have been exhausted. …
>
> [emphasis added]

Version No 1: 03 Jun 2026 (14:10 hrs)

30 As seen, committal orders are recognised as orders of last resort. Whilst the applicant does not bear the burden of establishing that all alternative enforcement mechanisms have been exhausted before taking out contempt proceedings, they should be employed only in the last resort. This is clearly reinforced in *Mok Kah Hong*. There should first be meaningful attempts made to enforce the court order in question by less draconian means.

31 As I have noted in *Cairnhill Law*, there has been an unhealthy increase in the filing of committal proceedings in the State Courts to enforce court orders. There is a need to curtail the proliferation of committal applications for breach of court orders. There are other remedies for breach of court orders that would serve the purposes of the orders breached. In my view, as a matter of law, committal proceedings should not be taken out at the first instance of enforcement proceedings. In particular, where the court order is for payment of monies, the judgment creditor has a variety of available remedies under procedural laws to aid recovery of such judgment debt. There is no reason why these remedies should not be pursued instead of committal proceedings. In other words, committal proceedings must serve the purposes of the court orders. They should not be used for the purpose of exerting pressure on judgment debtors. The courts need to guard against the misuse of committal proceedings.

32 In regard to committal proceedings taken out against EER examinees for absence at EER hearings, it is pertinent to keep in mind the objective of the EER process. The EER process is for the purpose of obtaining the details of the financial state of a judgment debtor. The sole objective is to determine if the judgment debtor is able to satisfy the judgment debt, and if so, in what ways the judgment debt can be satisfied. I would add that the EER process itself should not be misused to hound a judgment debtor into paying up. In this regard, where an EER examinee is absent at a EER hearing, enforcement applicants should

Version No 1: 03 Jun 2026 (14:10 hrs)

not be too quick to suspend the EER proceedings and file for committal proceedings. Instead, they should consider seeking a short adjournment to give an opportunity for the EER examinee to turn up for the EER hearing and furnish the requisite information. The EER process is after all for the purpose of obtaining the details of the financial state of a judgment debtor. In the present case for instance, the claimant could have sought a short adjournment on 16 December 2026 for Deepa to turn up for the EER hearing and to furnish the completed EER questionnaire. The claimant, however, chose to suspend the EER and apply for committal proceedings.

33 It should be noted that committal proceedings are draconian measures which are quasi-criminal in nature. They are not a tool to be misused to harass judgment debtors into paying up on their judgment debts. It is pertinent that all users of our civil justice system see committal proceedings for what they are: remedies of last resort.

Chiah Kok Khun
District Judge

Ashok Kumar Rai (Cairnhill Law LLC) for the claimant;
Kanthosamy Rajendran (RLC Law Corporation) for the defendant.

Version No 1: 03 Jun 2026 (14:10 hrs)