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DISTRICT JUDGE
EVANS NG
22 JUNE 2026

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGMC 79

Magistrate's Court Originating Claim No 8556 of 2024

Between

Aminah Binte Mohamed
Kassim

... Claimant

And

Loch Grocer Pte. Ltd.

... Defendant

JUDGMENT

[Tort] — [Negligence]

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Aminah Bte Mohamed Kassim

v

Loch Grocer Pte. Ltd.

[2026] SGMC 79

Magistrate's Court Originating Claim No 8556 of 2024
District Judge Evans Ng
7 May, 5 June 2026

22 June 2026

Judgment reserved.

District Judge Evans Ng:

1 The claimant, Mdm Aminah, is of a small build. She was in her mid-60s when this accident happened. She was cycling from Jurong West Street 42 towards Jurong Spring Community Club¹ in the late afternoon of 15 March 2023 when she got injured.² She claims that as she was passing the front of unit #01-156 at Block 507 Jurong West Street 52 ("Shop"), something hard hit her on her left from behind. The impact caused her to lose her balance, and she fell off her bicycle and hit her head against a wall.³

¹ Affidavit of Evidence-in-Chief ("AEIC") of Aminah Binte Mohamed Kassim, paragraph 6.

² AEIC of Aminah Binte Mohamed Kassim, paragraph 7.

³ AEIC of Aminah Binte Mohamed Kassim, paragraph 8.

2 The Shop is owned by the defendant company, of which Mr Lee Chee Hoon is the sole shareholder and director. It sells frozen food products.⁴ It has indoor and outdoor premises.⁵ Chests of freezers, among other things, are placed at the outdoor premises underneath a canopy. But because the Shop is west-facing, sunlight would still beat down on the freezers from around 2pm onwards on fine days.⁶

3 This is an issue that affects many retail shops with ground-floor outdoor premises. It is common knowledge that many of them deal with it by installing canopies with drapes at the end, which can be rolled up when not needed. Or they might install a further retractable canopy with a greater sloping angle. The Shop prefers something more expedient. It would put up translucent panels to shield its freezers in the afternoon and remove them in the evening.

4 These are rectangular panels made of polycarbonate.⁷ Each one is around 2 metres high and 1.5 metres wide.⁸ It is undisputed that three panels were put up on the material day.⁹ This is a photograph¹⁰ of two of these panels serving the purpose intended by the Shop:

⁴ Statement of Agreed Facts, paragraph 3.

⁵ Statement of Agreed Facts, paragraph 4.

⁶ AEIC of Lee Chee Hoon, paragraph 5; Notes of Evidence (“NE”), 47C.

⁷ Statement of Agreed Facts, paragraph 5.

⁸ Statement of Agreed Facts, paragraph 7.

⁹ Exhibit C-1.

¹⁰ BOD 5.



5 There is no direct evidence of the weight of each of those panels. Mr Lee gave oral evidence that “it is very light” and “can be picked up by a child”.¹¹ It is unclear what specimen of a child Mr Lee has in mind. I estimate the thickness of each panel to be at least 3mm. I take judicial notice of the fact that polycarbonate is denser than water and should have a density of around 1.2 g/cm³. Based on these specifications, each panel would weigh at least 10kg.

6 I find that the defendant owes a duty to take reasonable care to secure chattels that are within the Shop’s control—such as the panels—so that they do

¹¹ NE, 41A.

not cause physical harm to passers-by, including Mdm Aminah. The existence of this duty of care is indisputable because it comes within or is closely analogous to the well-established duties of occupiers to take reasonable care for the safety of their visitors and the users of adjoining properties.

7 The question of whether the defendant has taken reasonable care is a mixed one of fact and law, having regard to the specific facts of each case. Reasonableness does not lie in the eye of the beholder. The courts will consider factors including the likelihood and seriousness of harm, the costs of taking precautions to avoid the harm and the social utility of the activity in assessing the standard of reasonableness.

8 The Shop puts up the panels using the following set-up (or “design”,¹² whatever it may be called). The top edge of each panel is slotted into a groove in the canopy.¹³ Since the length of each panel exceeds the height of the groove, the person putting up the panel would press it into an arch, creating a compressed concave face and a stretched convex face. The bottom edge of the panel is then held at rest by static friction generated through contact with the ground. I find that the set-up used by the defendant, as I have just described, fails to satisfy the requisite standard of care.

9 There is no evidence that the panels were manufactured to be held in place by pressing each of them into an arch before wedging it between two objects, here the Shop’s canopy and the ground. Once erected, each panel is always in a state of uneasy equilibrium. What stops the bottom edge of each panel from slipping is only static friction. There are no other implements or

¹² NE, 44B-C.

¹³ NE, 40C-D.

features at the foot of the panel to secure it.¹⁴ Friction is seldom relied on in everyday applications to hold motile things in place. Hence, mechanics insert wheel chokes; cobblers apply glue; and Velcro became a success. The strength of the frictional force acting on the edge of each panel would also vary depending on the actual tangential angle it forms with the ground and the slipperiness of the specific patch of ground at that moment, all of which means that any one panel could be significantly more unstable than the others.

10 Sudden and rapid motion is associated with and frequently ensues from deforming an object this way and charging it with elastic potential energy. One may imagine the arm of a traction trebuchet. Those of a less martial bent may picture one curling a deck of playing cards in the palm of one's hand until the cards spring forth. It is also central to the sport of pole vaulting, wherein the athletes do not entrust their safety to a capricious force but a plant box (a sunken receptacle in the ground) that secures the base of their pole while it propels them skyward.

11 Against this reasoning, Mr Lee argues, without the support of evidence, "People outside also use the same boards to shield the sun and rain".¹⁵ But he does not go so far as to claim that others put up such panels using the same set-up as the Shop's. Anyway, common practice alone is not determinative of whether the said practice satisfies the standard of care: *Cavanagh v Ulster Weaving Co. Ltd.* [1960] AC 145. In my view, the Shop's set-up was chosen to suit its own convenience, for it enabled its employees to put up and take down the panels quickly and without much difficulty.

¹⁴ NE, 41A-B.

¹⁵ NE, 41C.

12 I find that this set-up of the panels is inherently unstable and unreliable. A panel with its concave face towards the Shop is likely to fall sharply and abruptly towards the outside if it is unintentionally dislodged. Any passer-by within a metre or so is unlikely to be able to react fast enough to avoid being hit. The force upon impact is likely to be substantial given the weight and height of each panel. There are other practical and affordable ways to shade the freezers that pose less risk to passers-by.

13 Closed-circuit television video footage recorded by a camera within the Shop’s indoor premises that pointed towards the outdoor premises was adduced to resolve what caused the accident. At trial, the parties conducted multiple viewings of the video and scrutinised the screenshots taken from it.¹⁶ After this forensic exercise, the defendant accepts that the video shows that, just as Mdm Aminah was cycling past the last panel,¹⁷ it “disappeared” from view.¹⁸ That was the most that could be extracted from the video.

14 Mdm Aminah supposes a “strong” wind¹⁹ dislodged the panel. I cannot accept this theory because the outdoor fabric banners seen in the video were not fluttering much.²⁰

15 Mr Lee was not at the scene. It was the defendant’s other witness, Mdm Chew Bee Suat, who was at the Shop at the material time. But she was deep within its indoor premises and was not paying attention to the outdoor premises

¹⁶ Exhibit C-1; AEIC of Lee Chee Hoon, pages 19, 21 and 23.

¹⁷ Exhibit C-1, Panel C.

¹⁸ NE, 49C.

¹⁹ NE, 12A-D.

²⁰ NE, 11E-12A.

and therefore did not see or hear the accident.²¹ She could not offer evidence that answers the question of what caused the panel to come loose.

16 The defendant submits that the natural and probable cause of the accident was that Mdm Aminah's bicycle had dislodged the last panel that she cycled past.²² I cannot accept this theory either. Mdm Aminah was unlikely to have cycled into that panel because a metal trolley (see the photograph at [4]) was protruding from the middle of the shopfront, and after her bicycle has cleared the trolley, she would in all likelihood have approached the last panel with a sufficient margin. I also find that the way in which the panel dropped out of view in the video was inconsistent with what would have happened had the front wheel or the handlebars of her bicycle hit its vertical edge. Without a plausible explanation from either party, the rules of evidence come to the fore.

17 Caselaw is replete with examples of the evidential rule known as *res ipsa loquitur* being applied in negligence cases involving objects falling from buildings or elsewhere that *Charlesworth & Percy on Negligence* (Sweet & Maxwell, 16th Ed, 2025) has a section of illustrations about them (at para 6-30). The defendant argues this rule cannot be applied in this matter because one of the three requirements for its application is that the cause of the accident must be unknown (*Grace Electrical Engineering Pte Ltd v Te Deum Engineering Pte Ltd* [2018] 1 SLR 91 at [39(c)]), whereas Mdm Aminah has advanced a positive case regarding the cause of the panel's collapse.²³ I reject the defendant's argument. Instead, a claimant who tenders evidence directed to proving a defendant guilty of some particular negligence is not thereby precluded from

²¹ NE, 31D, 33A-E and 35A.

²² NE, 49E; Defendant's Written Submissions dated 5 June 2026, paragraph 4.

²³ Defendant's Written Submissions dated 5 June 2026, paragraphs 16 and 17.

relying on the rule: *Anchor Products Ltd. v Hedges* (1966) 115 CLR 493. The other two requirements are that the defendant must have been in control of the situation or thing which resulted in the accident; and that the accident would not have happened, in the ordinary course of things, if proper care had been taken. The defendant does not argue that they have been satisfied, which is indeed the correct position. Therefore, *res ipsa loquitur* applies to shift the evidential burden to the defendant to rebut the *prima facie* case of negligence.

18 The defendant has not managed to do so. In addition to his affidavit of evidence-in-chief, Mr Lee was given an opportunity to orally explain what caused the panel to fall, and he admits that he can only “guess”.²⁴ The defendant also did not identify the particular employee who had put up the panel in question and get him or her to testify in respect of how exactly the panel was put up that day. This leads me to find that the panel fell and struck Mdm Aminah owing to the negligence of the defendant. As regards the remoteness of damage, it cannot be and has not been²⁵ an issue that the defendant challenges.

19 Finally, I do not find that was any contributory negligence on Mdm Aminah’s part. The defendant argues that she should not have cycled on that pathway generally²⁶ and taken the precise route in particular;²⁷ and that she should have worn but failed to wear a helmet while cycling.²⁸ However, I cannot identify any prohibition against cycling on the relevant pathway. It does not appear to be listed in the First Schedule of the Active Mobility (Pedestrian-Only

²⁴ NE, 49E.

²⁵ Defendant’s Written Submissions dated 5 June 2026.

²⁶ NE, 20C.

²⁷ Defendant’s Written Submissions dated 5 June 2026, paragraphs 31 to 33.

²⁸ Defendant’s Written Submissions dated 5 June 2026, paragraphs 5 and 30(d).

Paths) Order 2018 as a “pedestrian-only” path for the purposes of the Active Mobility Act 2017. I have reviewed the photographs taken of the area too,²⁹ and it does not seem inappropriate for cyclists to travel on the relevant pathway and take the precise route that Mdm Aminah did,³⁰ provided they proceed at a reasonable speed and keep a proper lookout for others. Based on my viewing of the video, Mdm Aminah was cycling at a reasonable speed and did not swerve to avoid any obstacle or pedestrian right before the accident. There is also no legal requirement for cyclists to wear a helmet if they are not cycling on a road. Hence, there is no basis to apportion liability between Mdm Aminah and the defendant under s 3(1) of the Contributory Negligence and Personal Injuries Act 1953.

²⁹ SBOD 8-11.

³⁰ NE, 9D-5.

20 In conclusion, I hold that the defendant was negligent and shall be wholly liable for the accident on 15 March 2023 that caused Mdm Aminah to suffer personal injuries. This is a bifurcated proceeding. Costs of this trial shall be reserved until after the assessment of damages.

Evans Ng
District Judge

Pua Lee Siang and Clarice Tan Jia Ying (Hin Tat Augustine &
Partners) for the claimant;
Daryl Ong Hock Chye (LawCraft LLC) for the defendant.
