

Ting Kang Chung John v Teo Hee Lai Building Construction Pte Ltd and Others
[2008] SGHC 192

Case Number : OS 1807/2006, RA 348/2008
Decision Date : 03 November 2008
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Ng Yuen (Ng & Koh) for the plaintiff; Second defendant in-person
Parties : Ting Kang Chung John — Teo Hee Lai Building Construction Pte Ltd; Anwar Siraj;
Khoo Cheng Neo Norma

Civil Procedure

3 November 2008

Choo Han Teck J:

1 The action under this Originating Summons was principally for payment of the plaintiff's fees as arbitrator in an arbitration involving the defendants. The subject of the arbitration is not material in the application before me, which was an appeal by the second defendant against the decision of the Assistant Registrar Mr Leong Kwang Ian ("AR Leong") made on 20 August 2008 refusing to set aside the directions made by Assistant Registrar Teo Guan Siew ("AR Teo") made on 30 May 2008. The second defendant claimed that AR Leong had no jurisdiction to hear his application to set aside AR Teo's directions. The second defendant was not represented and was unclear in his submission as to what he really wanted as well as his grounds for them.

2 It appeared that he was unhappy that AR Teo and AR Leong refused his application to strike out the plaintiff's affidavits of "24 July 2007 and 22 November 2007". Those affidavits were in support of the substantive hearing of this Originating Summons. I am of the view that there was no basis to find the orders irregular or wrong. If AR Teo was giving directions at a pre-trial conference, any party may apply formally to another assistant registrar for ancillary orders or to have the directions made at the pre-trial conference varied. The subsequent orders by the assistant registrar would be subject to appeal in the normal course of events. I was of the view that the affidavits in question should be allowed. The plaintiff's affidavit of 24 July 2007 was in response and answer to the second and third defendants' affidavits. The plaintiff's affidavit of 22 November 2007 merely attached the Rules of the Singapore Institute of Architects.

3 Since the second defendant was unrepresented, I explained to him that the dismissal of his appeal would not prevent him from arguing that the matters deposed in the said affidavits were not relevant to the plaintiff's case at the hearing of the Originating Summons. Further, I asked if he needed to file any affidavit in response to those two affidavits and he said that he did not wish to.

4 For the reason above, the appeal was dismissed.