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DISTRICT JUDGE
EVANS NG
25 MAY 2026

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGDC 177

District Court Originating Claim No 1254 of 2024

Between

Nirmala d/o Thangavellu

... Claimant

And

Acestes Pte. Ltd.

... Defendant

JUDGMENT

[Tort] — [Negligence]

[Employment Law] — [Work Injury Compensation Act]

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**Nirmala d/o Thangavellu
v
Acestes Pte. Ltd.**

[2026] SGDC 177

District Court Originating Claim No 1254 of 2024
District Judge Evans Ng
18 March, 6 May 2026

25 May 2026

Judgment reserved.

District Judge Evans Ng:

1 Employees may suffer injuries from accidents arising out of and in the course of their employment. The Work Injury Compensation Act 2019 (“WICA”) establishes a scheme under which employees may recover compensation for these injuries. Because the employee does not have to prove fault on the part of his employer to be awarded compensation, outcomes under WICA are relatively fast and predictable.

2 If the employee wishes to seek damages of a higher amount than the assessed compensation sum, he may withdraw his WICA claim in favour of filing a common law negligence action against his employer. But a court action carries risk. It requires the employee to prove that his injury was caused by the employer’s fault. If the employee fails in the negligence action, he would frequently be time-barred from resuming his WICA claim: section 41(4) of WICA. And if his court action was brought more than a year after the accident,

the court would not have the power to assess and award him the compensation that he could have received under WICA: section 63(6) of the WICA. He could end up empty-handed and be liable to pay costs of the unsuccessful action.

3 The present claimant, Mdm Nirmala, suffered a work injury on 4 August 2021. She was employed by the defendant, APL, as a security officer. On that day, APL deployed her to a condominium along Fernvale Road. She was stationed at one of the condominium's entrances with a loading bay which was used by deliverymen and contractors. She alleged that she tripped and hurt her ankle while dealing with a deliveryman.¹

4 A WICA claim was made in respect of the ankle injury. In due course, the Commissioner for Labour issued a notice of assessment of compensation under s 48(1) of WICA.² Mdm Nirmala, however, submitted a notice of objection under s 49(1) of WICA³ and seemed to have withdrawn her WICA claim thereafter. More than a year later, she instructed solicitors from Whitefield Law Corporation to file an originating claim, alleging negligence against APL.⁴ Her solicitors in turn instructed counsel from R Kalamohan Law LLC to prosecute the trial.

5 APL called one of its operations managers, Mr Haresh s/o Syed Ismail, as its sole witness. His evidence was that APL's security officers, including Mdm Nirmala, were instructed to follow a set of standard operating procedures.⁵

¹ Statement of Claim filed on 1 August 2024, para 3(3); Affidavit of Evidence-in-Chief ("AEIC") of Nirmala d/o Thangavellu, para 5.

² BA 10.

³ CBD 163-166.

⁴ CBD 4-6.

⁵ AEIC of Haresh s/o Syed Ismail, para 13; DBD 6-8.

Whenever a putative deliveryman turned up at the condominium's loading bay, the security officer was supposed to ask him to state the purpose of his visit and check that the delivery order contained an actual unit's address. Thereafter, the security officer should ask the deliveryman to register his particulars. Only then should the deliveryman be allowed to proceed with the delivery.

6 Mr Haresh testified that if a deliveryman does not comply with those instructions, APL's standard operating procedures require the security officer to inform his or her supervisor immediately. He added that security officers were not authorised or expected to chase the deliveryman.⁶ Even though it is unclear whether Mdm Nirmala was apprised of these specific procedures for dealing with uncooperative deliverymen,⁷ her understanding of APL's instructions was materially consistent with the said procedures, as she stated in her affidavit of evidence-in-chief, "security officers could deny these [deliverymen] access and request their immediate departure".⁸

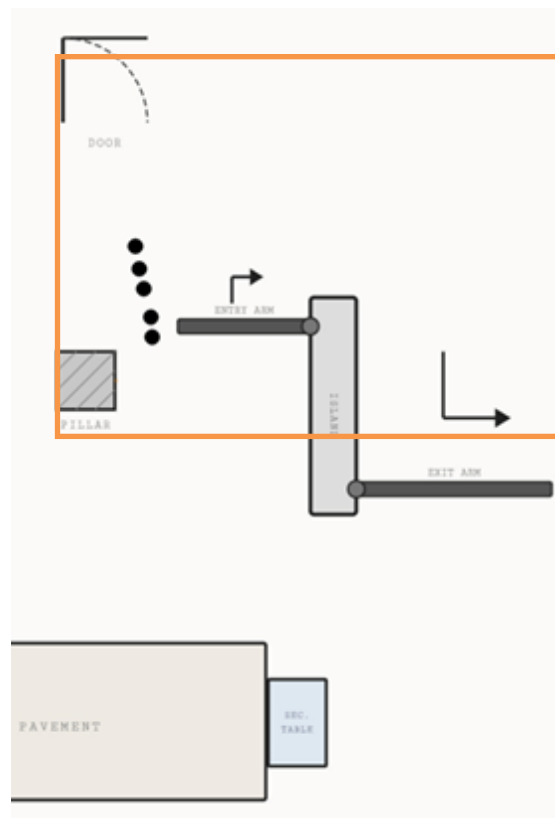
7 Piecing together the photographs adduced by Mr Haresh,⁹ this was the layout (not drawn to scale) of the loading bay area at which Mdm Nirmala was working:

⁶ AEIC of Haresh s/o Syed Ismail, para 15.

⁷ Notes of Evidence ("NE"), 18 March 2026, 66/14-67/21.

⁸ AEIC of Nirmala d/o Thangavellu, para 5.

⁹ DBD 3 and 5.



8 Mdm Nirmala testified that, at the material time of around 7pm on 4 August 2021, a deliveryman riding a bicycle ignored her presence at the security table, rode his bicycle through the gap between the entry arm and the pillar/wall, dismounted, and made his way through the door.¹⁰ The exhaustive account in her affidavit of evidence-in-chief was:

I encountered a [...] delivery cyclist who refused to stop and provide his particulars to me. I had to “chase” him but he was too fast and I could not stop him. As the surface ground was uneven, I lost my footing and sustained injury to my right ankle and I was in pain due to the injury.¹¹

¹⁰ NE, 18 March 2026, 25/20-26/6.

¹¹ AEIC of Haresh s/o Syed Ismail, para 5.

9 Her solicitors encased the word “chase” within inverted commas. It was unclear whether they meant to express some special sense of the word. In a subsequent portion of her affidavit of evidence-in-chief she described what she did as “approaching” the deliveryman.¹² Nowhere in her evidence—written and oral—does she use the word “run” or similar words to express or imply that she pursued the errant deliveryman at speed.

10 The condominium was fitted with closed-circuit television (“CCTV”) cameras. Mr Haresh testified that he retrieved and viewed the CCTV footage of the relevant date, time and venue. He then used his handphone camera to record what he assessed to be the relevant segment of the CCTV footage. This became a 27-second video clip (“Video”).¹³ I note that the Video was disclosed by APL to Mdm Nirmala in December 2024.¹⁴

11 The Video was replayed several times at trial. It starts with a frame that shows a woman who walks through the gap between the entry arm and the pillar. She heads towards the door. She takes around eight steps in about six seconds. Each stride is of roughly equal length. Her gait is smooth and unremarkable. In the next two seconds, the woman halts and makes an about turn, counterclockwise. She now faces the gap, standing with both feet together, planning to walk towards the gap. She begins walking. In the next four to five seconds, she takes the first step with her left foot, then the right, the left, the right, left, *right*. And on this sixth step, her right foot over-supinates and she loses her balance and starts to fall. As her body bends over, she extends her arms and uses her palms to brace herself off the ground; she restores her balance and

¹² AEIC of Nirmala d/o Thangavellu, paragraph 10.

¹³ DBD 14.

¹⁴ Defendant’s List of Documents filed on 19 December 2024, item no. 6.

resumes an upright posture. In the next two to three seconds, she walks past the entry arm and out of the frame. The Video ends. The woman's path is reflected in the dots in the layout at [7] above. The Video captured the area in the orange rectangle. Mdm Nirmala confirmed that she was the woman in the Video¹⁵ and that was the fall in question.¹⁶

12 There was only one other person who appeared in the Video. At the two-second mark, a man carrying a backpack walked through the same gap that Mdm Nirmala did and overtook her as she was walking towards the door. This was likely to be a resident of the condominium. In any case, he was not a deliveryman.¹⁷

13 Mdm Nirmala's lawyers do not dispute the authenticity and accuracy of the Video recorded by Mr Haresh. Their objection was that the Video was too short and that Mr Haresh had truncated the preceding part of the CCTV footage which, they argued, would have shown the errant deliveryman's actions.¹⁸ Mr Haresh conceded that if he had recorded the preceding portion of the CCTV footage, it was "possible" that it would show that a deliveryman on a bicycle did cycle past Mdm Nirmala and through the gap, which led her to get up from her seat at the table to pursue him.¹⁹

14 I turn to merits of the case.

¹⁵ NE, 18 March 2026, 27/25-28.

¹⁶ NE, 18 March 2026, 45/23-29.

¹⁷ NE, 18 March 2026, 28/2-14.

¹⁸ Claimant's Closing Submissions, paras 22-24.

¹⁹ NE, 18 March 2026, 79/26-81/19; and 90/14-21.

15 To succeed in a claim for negligence against an employer, it is not enough for an employee to recite the truism that her employer owes a duty to take reasonable care of her safety. The employee must also prove, among other things, that the employer breached the duty of care.

16 Mdm Nirmala was the only witness for her case. Her evidence in relation to breach was limited to stating that “proper safeguards and support were not put in place to prevent such accidents”.²⁰ She did not give any particulars or elaborate about what “safeguards and support” were lacking, and whether they were feasible or reasonable to implement: *BNM (administratrix of the estate of B, deceased) on her own behalf and on behalf of others v National University of Singapore and another* [2014] 2 SLR 258 at [63], citing Gary Chan Kok Yew & Lee Pey Woan, *The Law of Torts in Singapore* (Academy Publishing, 2011) at paras 5.013-5.035.

17 Throughout the cross-examination of Mr Hareesh, Mdm Nirmala’s counsel did not ask him any questions about APL’s alleged breach of duty. No effort was made to pin down a precise act or omission of APL that was supposed to be the breach of duty. It was also not put or suggested to Mr Hareesh that any specific act or omission or category of acts or omissions of APL amounted to a breach of duty.

18 The closing submissions filed by Mdm Nirmala’s solicitors did not allege any breach of duty by APL too. The conclusion of those closing submissions was a fair summary of what it contained, “the Claimant’s case [is] that the Defendant owed her a duty of care, that the accident occurred in the

²⁰ AEIC of Nirmala d/o Thangavellu, para 11.

course of her employment, that the injuries were caused by the accident, and that the Claimant is entitled to full compensation for the losses suffered”.²¹

19 Mdm Nirmala’s lawyers simply did not attempt to prove that APL breached its duty of care.

20 In any event, I could not identify any material in the case that could plausibly support an allegation of breach of duty. I have taken Mdm Nirmala’s case at its highest. If Mdm Nirmala’s actions stemmed from following her own understanding of APL’s instructions to the letter, then the Video showed that what she had been instructed to do, and what she did in fact do, were all quite reasonable. She was not exposed to any risks that were different from what a resident in the condominium would encounter while walking in a private carpark:

- (a) Mdm Nirmala was walking quite slowly in an ordinary manner for at least 12 seconds before she appeared to roll her ankle. Her footsteps were not brisk or urgent. If she had left her seat to go after an errant deliveryman, she carried out the “chase” in an unhurried manner.
- (b) The path she took and the spot at which she fell appeared to be ordinarily accessible to residents. She claims that it was “uneven” ground but that was a bare assertion. She did not provide any photographs or reports of the state of the ground. She did not call any witness to testify about the same. When given an opportunity to elaborate on the condition of the ground, she said, it “is a cement flooring, for example, it is flat and

²¹ Claimant’s Closing Submissions, para 72.

smooth but that the flooring was a little up and down [...] because I was chasing and then coming back, so maybe my shoe may have slipped a little on the slightly uneven floor.”²² This did not assist with her case.

21 I find that Mdm Nirmala has failed to prove that APL breached its duty of care. I therefore dismiss her action.

22 The Commissioner for Labour had assessed Mdm Nirmala’s WICA claim at a sum which was more than six months’ of her then-salary. One may wonder why she submitted her notice of objection (see [4] above) in favour of engaging in wholly meritless litigation. The handwritten reason stated in the notice of objection was, “Settlement under WICA is insufficient”. But Mdm Nirmala does not write or speak English. To explain this state of affairs, Mdm Nirmala’s counsel elicited from her this answer during re-examination:

Because I don’t understand English, all these documents [*ie* the notice of objection regarding the WICA claim] was read out to me by the office personnel at Tekka. They asked me to sign and I just signed it.²³

23 I did not clarify the identities of the said “office personnel at Tekka” since it was not a relevant issue in this case. It is unclear if they had sold her the charm of a gamble. Employees should not be encouraged to bring speculative actions in court.

24 Where lawyers are concerned, they are under a “duty [...] to advise an injured worker on the appropriate course of action to take by carefully weighing the relative pros and cons of a WICA claim *vis-à-vis* a common law claim. This

²² NE, 18 March 2026, 46/10-18.

²³ NE, 18 March 2026, 50/20-22.

should be done having regard to the strength of the available evidence”. They must “closely scrutinise the evidence and assess whether all the elements of a claim in negligence can be satisfied. [...] It is only if counsel forms the view that the worker has a *prima facie* case that he should advise the worker to proceed with a common law claim”: *Mookan Sadaiyakumar v Kim Hock Corp Pte Ltd and another appeal* [2020] 4 SLR 555 at [49].

25 Unless parties agree on costs, they are to file written costs submissions within 14 days from the date of this judgment.

Evans Ng
District Judge

Shanthi Elavarasi d/o R Kalamohan (R Kalamohan Law LLC)
(instructed) and Mary Magdeline Pereira and R Kalamohan
(Whitefield Law Corporation) for the claimant;
Hong Heng Leong and Noh Bin Abd Hamid (Just Law LLC)
for the defendant.
