

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGDC 100

District Court Originating Claim No 2274 of 2025

Between

- (1) Ho Rei, Jethro
- (2) Kang Jun Wei, Ronald

... *Claimants*

And

Chu Jiat Boon Timothy

... *Defendant*

GROUND OF DECISION

[Civil Procedure] — [Rules of court] — [Approval to file application other than in single application pending trial]

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**Ho Rei, Jethro and another
v
Chu Jiat Boon Timothy**

[2026] SGDC 100

District Court — Originating Claim No 2274 of 2025
Deputy Registrar Don Ho
19 February 2026

18 March 2026

Deputy Registrar Don Ho:

Introduction

1 A significant innovation in the Rules of Court 2021 (2020 Rev Ed) (“ROC”) is the single application pending trial (“SAPT”). Under O 9 r 9(2) of the ROC, the court must, as far as possible, order an SAPT to be made by each of the parties. The SAPT must, in turn, deal with all matters that are necessary for the case to proceed expeditiously, and such matters include common interlocutory applications such as the addition or removal of parties and amendment of pleadings (O 9 rr 9(3) and 9(4) of the ROC).

2 Because of this, O 9 r 9(7) of the ROC provides that, save for exempted applications, no application may be taken out by any party at any time other than as directed at the case conference or with the court’s approval. Further, such an approval must be sought by letter setting out the essence of the intended

application and the reasons why it is necessary at that stage of the proceedings: O 9 r 9(8) of the ROC.

3 Central to the present matter was what exactly is meant by the “essence” of the intended application, and whether the defendant of DC/OC 2274/2025 (“OC 2274”), in seeking the court’s approval under r 9(7), had sufficiently set out the essence of his intended application to set aside a default judgment entered against him.

4 Having heard the parties, I concluded that a party seeking the court’s approval under r 9(7) must set out the grounds of its intended application to fulfil the requirement of r 9(8) (“the Essence Requirement”). It is insufficient to merely identify the type of application intended to be filed. This is so that the grounds are adequately communicated to both the court and the opposing party for there to be meaningful consideration of whether the intended application is necessary at a particular stage of the proceedings, outside the SAPT regime.

5 I also granted the defendant approval to file the application. These are the full grounds of my decision.

Background facts

6 On 11 December 2025, Mr Ho Rei, Jethro (“Mr Ho”) and Mr Kang Jun Wei (“Mr Kang”) (collectively, “the Claimants”) commenced OC 2274 against Mr Chu Jiat Boon Timothy (“the Defendant”), claiming damages for breach of contract arising from sums entrusted by the Claimants to the Defendant for investment purposes. The Claimants alleged that the Defendant failed to pay the profits and principal sums due to them under the agreement.

7 On the same day, after the claim was filed, the Claimants filed DC/SUM 2364/2025 (“SUM 2364”) which was a summons for substituted service of the cause papers on the Defendant. SUM 2364 was granted the next day on 12 December 2025.

8 On 31 December 2025, as the Defendant failed to enter an appearance, judgment in default was entered against him for the sum of \$61,990.00 to Mr Ho and the sum of \$62,669.00 to Mr Kang, respectively, along with pre-judgment interest and costs (“the Default Judgment”).

9 Subsequently, on 14 January 2026, a Notice of Appointment of Solicitor was filed on behalf of the Defendant. A Request for Permission to File Application (“Permission Request”) was also filed without notice on the same day where the Defendant sought to file a summons to set aside the Default Judgment. The Permission Request provides:

REQUEST FOR PERMISSION TO FILE APPLICATION

To: The Registrar

The Defendant CHU JIAT BOON TIMOTHY (NRIC No. [Redacted]) requests for permission to file the intended application –

Nature of application: Summons for Setting aside Judgment / Order

Essence of intended application: Application to set aside Judgment for failing to file Notice of Intention to Contest or Not Contest

Date of filing of intended application if permission is granted: 14-Jan-2026

Is the intended application filed subsequent to the single application pending trial (“SAPT”): No

Is intended application to be taken out within 14 days before commencement of trial and ending when the Court has made a decision: No

Reasons for why intended application is necessary at this stage of proceedings: To enable the Defendant to contest the action and allow the matter to be adjudged on the merits of the case.

10 On 16 January 2026, I directed the Defendant, *inter alia*, to (a) write to the Claimants by 19 January 2026 and ask that the Claimants reply with the Claimants’ position on the Permission Request by 23 January 2026; and (b) then file an Other Hearing Related Request (“OHRR”) by 28 January 2026, informing the Court as to whether a reply was received from the Claimants and attaching the correspondence between the parties.¹

11 On 29 January 2026, the Defendant filed an OHRR informing the Court that the Claimants had objected to the Permission Request. The relevant correspondence between the parties evidencing the Claimants’ objection was also attached as directed. Of particular relevance was an email from the Defendant’s solicitors to the Claimants’ solicitors dated 20 January 2026 stating that the intended setting-aside application was premised on the ground that the Defendant had a *prima facie* defence to the claim in OC 2274. The OHRR was filed a day late, as, according to the Defendant, “E-Litigation was undergoing maintenance at the time [his solicitors] attempted to file the request”.

12 As the Claimants had objected to the Permission Request, I directed the parties to file written submissions and specifically sought clarification on the relevant principles a court should consider in determining whether approval should be granted under O 9 r 9(7) of the ROC.

¹ Registrar’s Directions dated 16 January 2026.

The parties' submissions

Defendant

13 The Defendant submitted that the court's inquiry at the approval application stage is limited to whether it is *necessary* for the application to be brought at that stage. Instead, the full merits are to be ventilated in the supporting affidavit and at the hearing of the substantive application itself.²

14 In the present case, it was evident that it could not reasonably be argued that it was not the right time for the Defendant to file his setting-aside application.³ On the contrary, it was plainly necessary that permission be granted for two main reasons:

(a) First, the Default Judgment conclusively determined both liability and quantum. If it was not set aside, the Defendant was foreclosed from contesting the Claimants' claims at all with no alternative avenue to advance his defence. The setting-aside application was therefore the only means by which the Defendant might seek to vindicate his right to be heard on the merits.⁴

(b) Second, it is a well-established principle that delay in bringing a setting-aside application is a relevant factor in the court's exercise of discretion. It was therefore appropriate for the Defendant to have promptly filed the Permission Request.⁵

² Defendant's Written Submissions (Request for Permission) dated 13 February 2026 ("DWS") at paras 11, 13–14.

³ DWS at para 15.

⁴ DWS at para 16.

⁵ DWS at paras 17–19.

15 In response to the Claimants’ objections, the Defendant submitted that they misconceived the nature and purpose of an approval application under O 9 r 9(8) of the ROC 2021. The Claimants’ arguments improperly addressed the merits of the intended setting-aside application, which are not germane at the permission stage. In particular, the Claimants’ suggestion that the brevity of the Permission Request indicated either a lack of merit or an intention to abuse the court’s processes was also unfounded. To require the Defendant to disclose and substantiate the full merits before being permitted to file the application would amount to pre-litigating the substantive issues, contrary to the framework contemplated by O 9 rr 9(7)–(9) of the ROC and the clear guidance of the General Division of the High Court in *Hertel Singapore Pte Ltd (now known as Altrad Services Singapore Pte Ltd) and another v Cheng Swee Guan and others* [2025] 4 SLR 1571 (“*Hertel*”) at [18] and [32]–[34].⁶

16 The Defendant also contended that, significantly, the Claimants did not argue that the setting-aside application was unnecessary at this stage, nor did they suggest that it ought properly to be brought at some later time. Their objection was confined to the purported lack of detailed grounds in the Permission Request. This underscored the fact that the Claimants’ objection was directed not at the timing or necessity of the application, but rather at the absence of a full exposition of the merits at the Permission Request stage, which was erroneous.⁷

⁶ DWS at paras 21–23 and 26.

⁷ DWS at para 24.

Claimants

17 I now turn to the Claimants’ submissions. To begin, the Claimants proposed the following framework that should guide a court in determining whether approval should be granted under O 9 r 9(7) of the ROC:⁸

(a) First, the court should determine whether the prospective applicant’s request addresses the court on: (i) the essence of the intended application (*ie*, the Essence Requirement); and (ii) the necessity of the intended application at the current stage of proceedings.⁹

(b) Second, the court should assess whether the prospective applicant has sufficiently identified the grounds for their intended application in the request. In identifying the grounds, the request need not address the merits of the intended application. However, the merits of the intended application are not entirely irrelevant and can be considered if, in the court’s view, it informs on the issue of the necessity of the intended application at that juncture.¹⁰

(c) Third, the court should determine whether the intended application is necessary at that stage of the proceedings after considering the “essence” of the intended application.¹¹

⁸ CWS at para 12.

⁹ CWS at para 12(a).

¹⁰ CWS at para 12(b)–(c).

¹¹ CWS at para 12(d).

(d) Fourth, the court should consider the relative injustice to both sides, if any, if permission to file the intended application is allowed or refused.¹²

18 Applying the above framework, the Claimants argued that the Permission Request should be refused on the ground that the Permission Request did not state the “essence” of the Defendant’s intended setting-aside application and had therefore failed to satisfy the Essence Requirement. The Defendant failed, neglected, or refused to provide the grounds of his intended setting-aside application. Hence, the Court had been left to guess or impute the reasons why the intended setting-aside application was necessary, leaving the Court handicapped in determining the Permission Request, where the Defendant bore the burden of demonstrating those matters.¹³

19 The Claimants further argued that the Defendant should have at least identified (a) whether the judgment in default was regularly obtained and, (b) if so, whether there was a *prima facie* defence raising triable or arguable issues and what those issues were; (c) or whether the JID was irregularly obtained and the reasons for that position. This was because these are grounds in which the intended application (*ie*, a setting aside of a judgment in default application) is determined.¹⁴ By failing to do so, the Defendant did not identify the “essence” of the intended setting aside application, and so a condition of O 9 r 9(8) of the ROC had not been satisfied (*ie*, the Essence Requirement).¹⁵

¹² CWS at para 12(e).

¹³ CWS at paras 13 and 15.

¹⁴ CWS at paras 16–17.

¹⁵ CWS at para 18.

20 Accordingly, the Permission Request should be rejected. However, in the alternative, the Claimants contended that the Defendant should be directed to supplement his Permission Request by stating the essence of the intended setting-aside application, before the Permission Request was determined.¹⁶

My decision

21 The parties did not dispute that the Defendant’s intended setting-aside application was one where approval of the court was needed under O 9 r 9(7) of the ROC as such an application did not fall within the list of exempted applications under O 9 r 9(7). Neither did the parties dispute that it was for the Defendant, as the requesting party, to satisfy the Court that the intended application was necessary at the present stage of the proceedings: *Hertel* at [18].

Must an approval request contain the grounds of the intended application?

22 The crux of the parties’ disagreement was whether the Permission Request that was filed by the Defendant contained the *essence* of the intended application. In particular, the Claimants argued that the Permission Request must, at the very least, state the *grounds* that the Defendant intended to rely on in his setting-aside application. The word “essence” is present in O 9 r 9(8), and this provision reads:

Single application pending trial (O. 9, r. 9)

9.— ...

(8) The Court’s approval to file further applications other than those directed at a case conference must be sought by letter setting out the essence of the intended application and the reasons why it is necessary at that stage of the proceedings.

¹⁶ CWS at paras 19–21.

For completeness, in seeking the court's approval, the filing of a request to court in the prescribed form would also be acceptable in lieu of a letter. In this regard, para 48(5) of the State Courts Practice Directions 2021 provides that "[t]he Court's approval to file further applications must be sought by filing a 'Request for Permission to file Application' (Form 14A of Appendix A1 to these Practice Directions)".

23 I agreed with the Claimants that the Essence Requirement exists under O 9 r 9(8) of the ROC. The word "essence" in O 9 r 9(8) must be given its natural and ordinary meaning within the context of the Rules. The *Shorter Oxford English Dictionary* vol 2 (Oxford University Press, 6th Ed, 2007) defines "essence" as "[t]he intrinsic nature or character of something; that which makes it what it is; the attributes, constituents, etc. ...". In the context of an approval application, the "essence" encompasses not merely the relief sought, but the basis upon which that relief is claimed. To require only identification of the application type without any indication of grounds would, in my judgment, contradict the plain and ordinary meaning of the word "essence". Critically, O 9 r 9(8) does not state that the requesting party identify the *type* of application sought. It goes further in requiring the *essence* of the intended application.

24 This interpretation finds support in the structure and purpose of the approval framework itself. O 3 r 1(2) of the ROC requires a purposive interpretation to be given to the Rules. A key tenet undergirding the principle of purposive interpretation is that the provision in question must be read harmoniously with the statutory context in which it is found as well as the objects and purposes underlying that statutory context: *Dorsey James Michael v World Sport Group Pte Ltd* [2013] 3 SLR 354 at [21]; *Constitutional Reference No 1 of 1995* [1995] 1 SLR(R) 803 at [44].

25 The requirement to set out “the essence of the intended application” in r 9(8) serves multiple functions within the SAPT regime. First, it enables the court to make an informed assessment of necessity; a court cannot properly determine whether an application is necessary at a particular stage of the proceedings without understanding the basic grounds upon which it is premised. Second, it allows opposing parties to respond meaningfully to the approval request, which would not be possible if they were left entirely in the dark about the applicant’s case. Third, it enables the court to identify potentially frivolous applications at an early stage. However, to be clear, whilst the Essence Requirement requires the grounds of the intended application to be stated, it goes no further and does not require precise arguments the applicant wishes to make in support of those grounds, as the approval stage does *not* engage the substantive merits of the intended application: *Hertel* at [18] and [32].

26 This interpretation is also consistent with the Ideals in civil procedure set out under O 3 r 1(2) of the ROC, which seeks to achieve expeditious proceedings, cost-effective work proportionate to the nature, value and complexity of the claim, and efficient use of court resources. Specifically, the intention behind the SAPT is for the court to “control the number of and the period within which applications may be filed by determining what applications are required and order each party to file a single application as far as possible”: *Civil Justice Commission Report* (29 December 2017) (Chairman: Justice Tay Yong Kwang), ch 6, para 5. Accordingly, it is evident that the purpose of an SAPT is to streamline the pre-trial process by discouraging parties from litigating in a piecemeal manner, which may give rise to various interlocutory applications.

27 An approval or permission framework that required no indication of grounds would fail to serve these objectives, as it would provide no meaningful

filter against unmeritorious applications (which would undermine the efficiency of the SAPT regime) and would leave opposing parties unable to respond appropriately. Indeed, the other party is entitled to understand the case it must meet, and this principle applies even at the approval stage. Conversely, a framework requiring detailed exposition would transform the approval stage into a substantive hearing, contrary to the streamlined approach intended by the SAPT regime.

28 I rejected any suggestion that requiring identification of grounds at the approval stage amounts to pre-litigation of the substantive issues. There is a clear distinction between identifying the grounds upon which an application will be based and arguing the merits of those grounds. The former is essential for a meaningful approval process; the latter would indeed be inappropriate at this stage.

29 There was some force in the Defendant’s argument that grounds might not be necessary in the seeking of approval for an application to set aside a default judgment, as in the present case. According to the Defendant, such grounds are self-explanatory, as the parties and the court would be aware of the procedural history leading up to the entering of default judgment. However, it remained the case that, in some instances, it might not have been immediately apparent what grounds a party intended to rely on when seeking to set aside a default judgment. More difficult with the Defendant’s proposed approach was that it would have created a “two-track” procedure: one in which grounds need not be specified for applications to set aside default judgments, and another in which grounds were required for, presumably, all other applications. In my view, this was an unattractive approach.

30 In *essence*, I held that O 9 r 9(8) requires a requesting party to identify the grounds for the intended application, albeit without requiring a detailed exposition of those grounds. It is insufficient to merely identify the type of application intended to be filed.

31 I wish to clarify two further points. First, from the plain wording of O 9 r 9(8), the setting out of “the essence of the intended application” (*ie*, the Essence Requirement) and “the reasons why it is necessary” are clearly distinct, albeit related, requirements (see [33] below). The former requires the furnishing of the grounds of the intended application, whilst the latter concerns the reasons why it is necessary to be filed outside of the SAPT regime. Both requirements must be fulfilled by the requesting party in seeking the court’s approval to file the intended application.

32 Second, I did not think that a failure to state the relevant grounds of the intended application in the initial letter or request would be fatal to an approval request. O 9 r 9(9) states that the court may deal with the request summarily or fix a case conference to deal with the matter. Notably, the ROC does not prescribe a formalistic way of seeking approval, for instance, by providing that such an approval application be taken out by way of a summons with a supporting affidavit. The intention is for the court to deal with the matter without undue procedural complexity, and this comports with the Ideals set out under O 3 r 1(2) of the ROC.

33 In such situations, instead of summarily dismissing the request under O 9 r 9(9), the court may invite the requestor to state the grounds of its intended application and inform the other party of the same. The point is that a pedantic approach is to be eschewed. Instead, the overriding concern is whether the other party and the court are made aware of the grounds of the intended application,

so that the requirement of *necessity* (to file an interlocutory application outside the SAPT regime) may be meaningfully determined.

Application to the facts

34 Although the Permission Request itself did not contain the grounds of the intended setting aside application, the grounds were clearly stated in the 20 January 2026 email from the Defendant’s solicitors to the Claimants’ solicitors which was annexed to the further request to court dated 29 January 2026 (see [11] above). Hence, all parties involved, including the Court, were apprised of the grounds of the intended setting-aside application.

35 Above all, the Claimants did not dispute the Defendant’s submission that it was necessary to file the setting-aside application expeditiously. I saw no reason to conclude otherwise and agreed that such an application constituted the only avenue by which the Defendant might vindicate his right to be heard on the merits, and it ought to be filed as soon as possible. I further observed that, save in cases involving an abuse of process or where the intended application is plainly doomed to fail, it is generally a formidable task for a claimant to resist the grant of approval to a defendant to file an application to set aside a default judgment.

Conclusion

36 In the premises, I allowed the Permission Request and reserved costs to the registrar hearing the substantive application.

37 In closing, I would like to record my appreciation to the parties for their clear and structured arguments, both in written and oral submissions.

Don Ho
Deputy Registrar

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