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2. Redaction HAS ~~NOT~~ been done.

District Judge Chiah Kok Khun
16 March 2026

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGDC 97

District Court Originating Claim No 1614 of 2024 (Registrar's Appeal No 27 of 2025; District Court Summons No 1151 of 2025)

Between

JFE

... *Claimant(s)*

And

JFF

... *Defendant(s)*

JUDGMENT

[Civil Procedure — Appeals — Adducing fresh evidence on appeal — Appellant seeking to adduce fresh evidence on appeal to contend that the appellant's entire debt to the claimant had been repaid — Legal principles governing adduction of further evidence in an appeal — Whether *Ladd v Marshall* principles applicable]

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**JFE
v
JFF**

[2026] SGDC 97

District Court Originating Claim No 1614 of 2024 (Registrar's Appeal No 27 of 2025; District Court Summons No 1151 of 2025)
District Judge Chiah Kok Khun
11 March 2026

16 March 2026

Judgment reserved.

District Judge Chiah Kok Khun:

Introduction

1 The claimant is the mother-in-law of the defendant. The claimant commenced the underlying action against the defendant for the sum of \$220,185 being the outstanding balance of nine loans which the claimant had granted to the defendant during the defendant's marriage with the claimant's son ("Mr Li"). The defendant and Mr Li are presently engaged in contentious divorce proceedings in the Family Justice Courts *vide* [case number redacted] ("D 1100").

2 The particulars of the abovementioned nine loans are set out in the table below:

TABLE 1

Loan No	Date of loan	Amount loaned
1	7 May 2018	\$66,000
2	13 November 2018	\$1,500
3	12 December 2018	\$5,000
4	15 January 2019	\$2,500
5	9 December 2019	\$9,496
6	10 November 2020	\$20,000
7	8 December 2020	\$200,000
8	22 September 2021	\$50,000
9	28 September 2021	\$50,000
Total		\$410,496

3 The defendant admits only to Loan Nos 1, 3, 8 and 9. The other loans are disputed.

4 The claimant applied for summary judgment for the sum of \$208,189, being the outstanding balance of Loan Nos. 1, 7, 8 and 9.¹ On 13 May 2025, the learned Deputy Registrar (“DR”) granted summary judgment for the sum of

¹ Para 15 of the statement of claim.

\$175,689, which was calculated by deducting the total undisputed repayments of \$32,500 made by the defendant from the abovementioned sum of \$208,189.²

5 The defendant filed the present Registrar’s Appeal (“RA”) against the DR’s decision on 26 May 2025.

6 Soon after filing the RA, the defendant took two significant steps in proceedings. First, the defendant filed an application, District Court Summons No 1151 of 2025 (“SUM 1151”) to adduce further evidence at the hearing of the RA. Second, the defendant amended her defence to plead an additional defence, which is that Mr Li had already repaid the defendant’s entire debt to the claimant.

7 Solely in view of the further evidence that came to light *only after the hearing* of the application before the DR, I am allowing the RA. My reasons are set out below.

Issues to be determined

8 The issues to be decided by me are as follows:

(a) Whether the defendant should be granted permission to adduce the further evidence comprising bank documents and portions of Mr Li’s discovery and interrogatories compliance affidavit filed in D 1100.

(b) Whether the defendant has shown a reasonable probability that she has a *bona fide* defence.

² See [2025] SGDC 212 for the DR’s grounds of decision.

Analysis and findings

9 To provide the context to the question of admission of further evidence, it is necessary to first set out a timeline of relevant events which took place after summary judgement was entered. They are set out in the table below:

TABLE 2

S/No	Date	Event
1	26 May 2025	The defendant filed the RA.
2	11 June 2025	The defendant filed SUM 1151 and her supporting affidavit (“the defendant’s 3rd Affidavit”) which contained the further evidence that she wished to adduce for the RA. The further evidence comprised various bank documents (the “Bank Documents”).
3	17 June 2025	The defendant’s counsel informed the claimant’s counsel that the defendant wished to amend her Defence (Amendment No. 1) to plead an additional defence, namely that Mr Li had already repaid the defendant’s entire debt to the claimant. The additional defence was based on certain statements made by Mr Li in a discovery and interrogatories compliance affidavit filed by him on 13 June 2025 in D 1100 (“Mr Li’s Compliance Affidavit”), and the defendant intended to file an application to lift the <i>Riddick</i> undertaking in respect of Mr Li’s affidavit so that she could seek to adduce it as further evidence in the RA.
4	8 September 2025	The Family Justice Courts granted the defendant’s application to lift the <i>Riddick</i> undertaking in respect of Mr Li’s Compliance Affidavit.

5	17 October 2025	The defendant filed her Defence (Amendment No. 2) with the consent of the claimant.
6	31 October 2025	The defendant filed a second affidavit in SUM 1151 (“the defendant’s 4th Affidavit”) which contained the portions of Mr Li’s Compliance Affidavit that she wished to adduce as further evidence in the RA.

10 It is seen that the further evidence that the defendant seeks to adduce for the RA comprised both evidence that was available before the hearing of the summary judgment, and evidence that became available only after the hearing.

Legal principles governing adduction of further evidence in an appeal

11 The legal principles in respect of an application to adduce further evidence in an appeal are well settled. Both parties rely on the test as laid down in *Ladd v Marshall* [1954] 1 WLR 1489 (the “*Ladd v Marshall* test”).

12 Under the *Ladd v Marshall* test, if the further evidence does not relate to matters occurring after the date of the decision appealed against, the applicant must show special grounds warranting the admission of further evidence. The Court of Appeal of Singapore in *COD v COE* [2023] SGCA 29 elaborated on the approach to the admission of further evidence that was already available before the hearing at the lower court. The Court of Appeal stated as follows at [37]:

37 As provided for in s 59(4) of the SCJA 1969 read with O 19 r 7(7) of the ROC 2021, should the Further Evidence not relate to matters occurring after the date of the decision appealed against, then an applicant must show *special grounds* warranting the admission of further evidence in an appeal by satisfying the three cumulative conditions in the *Ladd v Marshall* test (see *BNX v BOE* at [74]; *Anan Group (Singapore) Pte Ltd v VTB Bank (Public Joint Stock Co)* [2019] 2 SLR 341 at [21]), ie, that:

- (a) the evidence could not have been obtained with reasonable diligence for use in the lower court;
- (b) the evidence would probably have an important influence on the result of the case, although it need not be decisive; and
- (c) the evidence must be apparently credible, although it need not be incontrovertible.

[emphasis in original]

13 Hence, the Court of Appeal was of the view that if the further evidence did not become available only after the date of the decision appealed against, the following conditions are to be satisfied:

- (a) the evidence could not have been obtained with reasonable diligence;
- (b) the evidence would probably have an important influence on the result of the case, although it need not be decisive; and
- (c) the evidence must be apparently credible, although it need not be incontrovertible.

14 If, however, the further evidence became available only after the date of the decision appealed against, then the court should instead apply a modified version of the *Ladd v Marshall* test. This was also elaborated on in *COD v COE* [2023] SGCA 29, at [38] as follows:

However, if the Further Evidence relates to matters occurring after the date of the decision appealed against, s 59(5) of the SCJA 1969 provides that the evidence “may be given to the Court of Appeal without permission” and O 19 r 7 of the ROC 2021 provides that it is exempt from the requirement that further evidence may not be given except on special grounds. The court should hence apply the *Ladd v Marshall* Modified Test (see *BNX v BOE* at [97] to [99]) which entails the following:

- (a) to ascertain what the relevant matters are, of which evidence is sought to be given, and ensure that these

are matters that occurred after the trial or hearing below;

(b) to satisfy itself that the evidence of these matters is at least potentially material to the issues in the appeal; and

(c) to satisfy itself that the material at least appears to be credible.

...

15 As seen, the court in this scenario is to take the following steps:

(a) ascertain what the relevant matters are, of which evidence is sought to be given, and ensure that these are matters that occurred after the trial or hearing below;

(b) satisfy itself that the evidence of these matters is at least potentially material to the issues in the appeal; and

(c) satisfy itself that the material at least appears to be credible.

16 The *Ladd v Marshall* test discussed above can be broadly characterised as the three requirements of non-availability, relevance and credibility.

17 It is of pertinence to note however that in *Anan Group (Singapore) Pte Ltd v VTB Bank (Public Joint Stock Co)* [2019] 2 SLR 341 (“*Anan Group*”), the Court of Appeal held that the court is not obliged to strictly apply *Ladd v Marshall* in the context of an interlocutory appeal. The Court of Appeal stated as follows at [35]:

35 It is apparent from the foregoing that whether or not an appeal is against a “judgment after a trial or hearing of any cause or matter upon the merits” does not necessarily determine the applicability or otherwise of *Ladd v Marshall*. Rather, consistent with the summary in *Park Regis* which this court endorsed in *ARW* ([21] *supra*) at [100], the cases should be analysed as lying on a spectrum. On one end of the

spectrum, where it is clear that the appeal is against a judgment after a trial or a hearing having the full characteristics of a trial (ie, which involves extensive taking of evidence and particularly oral evidence), then it is clear that *Ladd v Marshall* should be generally applied in its full rigour. On the other end of the spectrum, where the hearing was not upon the merits at all, such as in the case of interlocutory appeals, then *Ladd v Marshall* serves as a guideline which the court is entitled but not obliged to refer to in the exercise of its unfettered discretion. For all other cases falling in the middle of the spectrum, which would include appeals against a judgment after a hearing of the merits but which did not bear the characteristics of a trial, then it is for the court to determine the extent to which the first condition of *Ladd v Marshall* ie, criterion of non-availability should be applied strictly, having regard to the nature of the proceedings below. In this regard, relevant (non-exhaustive) factors would include: (a) the extent to which evidence, both documentary and oral, was adduced for the purposes of the hearing; (b) the extent to which parties had the opportunities to revisit and refine their cases before the hearing; and (c) the finality of the proceedings in disposing of the dispute between the parties.

18 In other words, it is for the court to determine the extent to which the first step of the *Ladd v Marshall* test of non-availability should be applied strictly, depending on the nature of the proceedings below. The Court of Appeal made it clear that where the hearing was not upon the merits at all, such as in the case of interlocutory appeals, then *Ladd v Marshall* serves as a guideline which the court is entitled but not obliged to refer to in the exercise of its unfettered discretion.

19 Finally, as pointed out by the defendant, the Court of Appeal has held that the judge hearing a registrar's appeal exercises confirmatory, rather than appellate, jurisdiction and rehears the case afresh. The judge is entitled to exercise an unfettered discretion, including on the admissibility of fresh evidence. The Court of Appeal stated as follows in *Lassiter Ann Masters v To Keng Lam (alias Toh Jeanette)* [2004] 2 SLR(R) 392 at [10]:

10 It would be expedient if we first deal with the question of whether *Ladd v Marshall* applies to an appeal from the Registrar's decision. It is settled law that when a judge in chambers hears an appeal from a decision of the Registrar, the judge is not exercising an appellate jurisdiction but a confirmatory jurisdiction. In such an appeal, there is a rehearing before the judge and he is entitled to exercise an unfettered discretion of his own. In *Herbs and Spices Trading Post Pte Ltd v Deo Silver (Pte) Ltd* [1990] 2 SLR(R) 685 ("*Herbs and Spices*"), Chan Sek Keong J (as he then was) said at [12]:

... In such appeals, the judge-in-chambers is not exercising 'appellate' jurisdiction in the same sense when [he] hears appeals from the District Court. This view is consistent with the rule that an appeal from the Registrar of the High Court to the judge-in-chambers is by way of an actual rehearing of the application and the judge treats the matter afresh as though it came before him the first time, and the practice of allowing fresh affidavit evidence in such appeals.

20 It is seen that in a registrar's appeal, the judge treats the matter afresh as though it came before him the first time, with the practice of allowing fresh affidavit evidence in such appeals.

Further evidence ought to be admitted

21 With the above legal principles in mind, I return to the further evidence sought to be admitted in the present case. The Bank Documents which the defendant seeks to admit comprise the following:

- (a) the defendant's bank statement for the period of June 2023;
- (b) letter dated 17 June 2021 showing the joint ownership of UOB current account no [redacted]; and
- (c) screenshots of bank transactions in December 2020 for UOB current account no [redacted].

22 It is not disputed that the Bank Documents were available to the defendant before the summary judgment hearing. As for Mr Li's Compliance Affidavit, it came about after FC/SUM 1422/2025, which was the defendant's successful application for leave to lift the *Riddick* undertaking in the Family Justice Courts. The defendant seeks to admit the following portions of Mr Li's Compliance Affidavit:

- (a) Pages 1 to 32 of the Compliance Affidavit;
- (b) Citibank bank statements of Mr Li for April to May 2024, which are at pp 656 to 687 of the Compliance Affidavit;
- (c) Citibank bank statements of Mr Li for September 2023, which are at pp 880 to 897 of the Compliance Affidavit; and
- (d) Option to purchase cheque for \$60,000.00 dated 14 September 2023 annexed at p 879 of the Compliance Affidavit.

23 It is seen that the portions of Mr Li's Compliance Affidavit sought to be admitted by the defendant comprised evidence which was not available to the defendant at the hearing before the DR.

24 As for the Bank Documents, it is undisputed that they relate to matters that occurred prior to the hearing before the DR and could have been adduced at that hearing.³ However, as discussed above, I am entitled to exercise an unfettered discretion on the admissibility of fresh evidence in the RA. In my view, this is a fit case for the non-availability requirement to be relaxed. The Bank Statements relate to the following matters:

³ See para 6(1) of the claimant's affidavit of 19 November 2025.

- (a) that a \$10,000 cash payment was made by the defendant to the claimant on 7 June 2023;
- (b) that UOB account no [redacted], into which Loan No 7 was transferred, was jointly held by the defendant and Mr Li; and
- (c) the defendant's contention that Mr Li had used the UOB account no [redacted] for cryptocurrency related transactions in December 2020.

25 The Bank Statements therefore give rise to possible triable issues as to (a) the additional repayment of \$10,000 to the claimant; and (b) the nature of Loan No 7, whether it was for Mr Li's cryptocurrency trading. In my view therefore, the requirement of relevance under the *Ladd v Marshall* test is met in respect of the Bank Documents. In the light of their relevance to the determination of the claimant's action against the defendant for the outstanding balance of loans which the claimant had granted to the defendant, there is good reason to loosen the non-availability requirement in the present case. This would allow for all relevant evidence to be placed before the court to facilitate the determination of a just outcome for parties.

26 As regards the portions of Mr Li's Compliance Affidavit sought to be admitted by the defendant, they are plainly relevant. They address the question of whether Mr Li's payment of \$620,670 to the claimant from the option money and sale proceeds of the matrimonial home of Mr Li and the defendant has fully satisfied the debt of \$220,185 owed to the claimant.

27 As for the requirement of credibility under the *Ladd v Marshall* test, I agree with the defendant that there is little issue with the credibility of the evidence of the Bank Documents as they comprised largely bank statements.

As for the portions of Mr Li's Compliance's Affidavit, the claimant has not raised any objection on the basis of the credibility of the Compliance Affidavit which was filed by Mr Li. More importantly, in my view it is paramount that any contention as to Mr Li's credibility or what he intended to state in the Compliance Affidavit should be fully dealt with in a trial. It appears to me that a question has now arisen as to whether and how Mr Li had disposed of the proceeds from the sale of the matrimonial home. Needless to say, this question is also of utmost importance in the D 1100 proceedings before the Family Justice Courts.

28 In follows from the analysis of the three criteria of non-availability, relevance and credibility above that SUM 1151 should be allowed, and the further evidence admitted.

There is a triable issue of whether the alleged debt owed to the claimant has been fully satisfied

29 I turn now to the summary judgment application.

30 Following the discussion above, the question of whether the sale proceeds from the matrimonial home have been used to fully satisfy the loan of \$220,185.00 owed to the claimant is clearly a triable issue. The rule against double recovery is a trite principle of contract and tort law: see *Lo Kok Jong v Eng Beng* [2024] 1 SLR 964 at [14]-[16]. The claimant is not allowed to obtain double recovery of the sum of \$220,185. The spectre of such double recovery arises from Mr Li's Compliance Affidavit.

31 In the Compliance Affidavit,⁴ Mr Li made the following statements:⁵

The funds were:

- a. returned to my mother for the repayment of a joint loan which was used for buying the Vales property and renovation (total amount of \$314,304);
- b. repay monies the Plaintiff borrowed from my mother (\$220,185);
- c. Provided loan of S\$100,00 to ADS Venture Group Pte Ltd and \$35,861 to Meso Labs Ptd Ltd to manage the operations.

32 The Compliance Affidavit and the Citibank bank statements show that the funds from the sale of the matrimonial home amounted to a total of \$815,083.07, comprising:

- (a) \$60,000.00 deposited as one cheque deposit into Mr Li's Citibank account no [redacted] on 20 September 2023, for the option money;⁶ and
- (b) \$755,083.07 deposited by way of four cheque deposits into the same Citibank account on 23 April 2024, as the sale proceeds of the matrimonial home.⁷

33 Mr Li's Compliance Affidavit shows that not long after the sale proceeds were received, a total of \$620,670 was transferred from Mr Li's Citibank account to the claimant's various HSBC, Bank of China, UOB, and ICBC accounts through 11 FAST transfers between 26 April 2024 to 2 May 2024. I note that whilst the claimant asserts that Mr Li was in fact repaying her loans

⁴ P 42 of defendant's affidavit dated 31 October 2025.

⁵ At p 25 of Mr Li's Compliance Affidavit.

⁶ Para 11 of defendant's affidavit dated 31 October 2025.

⁷ Para 13 of defendant's affidavit dated 31 October 2025.

which she had extended to Mr Li,⁸ the Compliance Affidavit made no mention of such loans.

34 I agree with the defendant that on the face of the documentary evidence in Mr Li's Compliance Affidavit, there is a basis to suggest that the defendant has a defence of double recovery as the claimant's claim of \$220,185 could have been fully satisfied through Mr Li's transfers. This is on plain reading of Mr Li's Compliance Affidavit. It points to the repayment of the \$220,185 loan owed by the defendant to the claimant using the sales proceeds. Whilst Mr Li's Compliance Affidavit stated that he used the option money to repay the claimant, the bank statements suggest that Mr Li had used the total sum of the option money and the sale proceeds to repay the claimant, as the amount transferred exceeded the option money. Further, as noted by the defendant, the bank statements do not show any transfer of the option money which is separate from the transfer of the sale proceeds. Instead, there was a single transfer of \$620,670.

35 I agree with the defendant that she should be allowed to put up a defence of double recovery at the trial and be allowed to cross-examine Mr Li and the claimant on what was agreed between the claimant and Mr Li.

36 For completeness, I turn to the claimant's contentions regarding the transfer of the sales proceeds to her. She contends that these transfers were for loans taken up by Mr Li and they have nothing to do with the loans to the defendant. She also contends that it is unlikely that Mr Li would choose to pay off her claim against the defendant as Mr Li and the defendant are in the middle

⁸ Para 12 of claimant's affidavit dated 19 November 2025.

of an acrimonious divorce.⁹ Mr Li would not use his own monies to pay off the defendant's loans in priority to his own loans. I note however that Mr Li has not deposed any affidavit in the RA to explain why he had made the statements in his Compliance Affidavit. In my view, his silence is revealing. It raises the question I alluded to above as to whether and how Mr Li had disposed of the proceeds from the sale of the matrimonial home, a question which is of import in the D 1100 proceedings before the Family Justice Courts. In this regard, I note the defendant's contention that as the sale proceeds were matrimonial assets, there is a probability that Mr Li could have sought to dissipate matrimonial assets, and he could have sought a legitimate way to put these funds out of the defendant's hands by disposing of the funds to the claimant.¹⁰

37 At the end of the day, the question as to why Mr Li transferred the sales proceeds to the claimant and stated in his Compliance Affidavit that it was to repay the sum of \$220,185 the defendant owed to the claimant, and the arrangement between Mr Li and the claimant in that regard is a matter for trial. Leave to defend should be given to the defendant.

Conclusion

38 It the premises of the above, I allow the adduction of further evidence. I also grant leave to the defendant to defend the claim for \$208,189. The application in SUM 1151 and the RA are therefore both allowed.

39 As for the question of costs, it would follow the event. In respect of the quantum of costs, the relevant costs range provided in App H, Pt V, of the State Courts Practice Directions 2021 is \$1,000 to \$5,000 in respect of registrar's

⁹ Para 9 of claimant's affidavit dated 19 November 2025.

¹⁰ Para 43 of the defendant's written submissions dated 28 November 2025.

appeal. After considering the respective submissions on costs, the amount of work done, the time spent by parties, the issues involved in the RA, I fix costs at \$3,000 (inclusive of disbursements) in total to be paid by the claimant to the defendant. The costs order given by the DR is set aside. As for the costs of SUM 1151, in view of the overlapping issues with the RA, no separate costs order will be issued.

Chiah Kok Khun
District Judge

claimant in person;
Tong Siu Hong, Joshua (Kalco Law LLC) for defendant.