IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2022] SGHC 247

Originating Summons No 226 of 2021 (Registrar's Appeal No 351 of 2021)

Between

Ten Leu Jiun Jeanne-Marie

… *Plaintiff*

And

The National University of Singapore

… *Defendant*

JUDGMENT

[Civil Procedure — Striking out]
[Civil Procedure — Inherent powers]
[Res Judicata — Issue estoppel]
[Res Judicata — Extended doctrine of res judicata]

This judgment is subject to final editorial corrections approved by the court and/or redaction pursuant to the publisher's duty in compliance with the law, for publication in LawNet and/or the Singapore Law Reports.

Ten Leu Jiun Jeanne-Marie
v
National University of Singapore

[2022] SGHC 247

General Division of the High Court — Originating Summons No 226 of 2021
(Registrar's Appeal No 351 of 2021)
Valerie Thean J
22 September 2022

7 October 2022 Judgment reserved.

Valerie Thean J:

Introduction

1 This is an appeal against an assistant registrar's order striking out Originating Summons No 226 of 2021 ("the OS"). The appellant, Ms Ten Leu Jiun Jeanne-Marie ("Ms Ten") previously brought action against the respondent, the National University of Singapore ("NUS"). This suit was dismissed on 9 July 2018: *Ten Leu Jiun Jeanne-Marie v National University of Singapore* [2018] SGHC 158 (the "Judgment"). In the OS, Ms Ten seeks to set aside the Judgment on the premise that it was tainted by fraud because of perjury on the part of NUS's witnesses. Having heard parties and considered their arguments, I now dismiss the appeal.

Background

Suit 667 and the Judgment

2 Ms Ten commenced proceedings against NUS on 8 August 2012 ("Suit 667").

3 The detailed facts giving rise to Suit 667 can be found at [7]–[91] of the Judgment. For the purposes of this appeal, the following brief facts are relevant. Commencing 7 January 2002, Ms Ten was a candidate for the degree of Masters of Arts (Architecture) by research at the School of Design and Environment of NUS. It was a requirement that Ms Ten complete a thesis in order to graduate from the course. Dr Wong Yunn Chii ("Dr Wong") was Ms Ten's sole supervisor for her thesis.

4 Ms Ten raised a complaint about Dr Wong's conduct with NUS. She dealt with a number of NUS officers regarding the complaint, including Professor Lily Kong ("Prof Kong") and Professor Ang Siau Gek ("Prof Ang"). A Committee of Inquiry ("COI") was set up to look into Ms Ten's complaint. The COI concluded that, amongst other things, Dr Wong had failed to comply fully with his duties as Ms Ten's supervisor, and recommended that he be censured for this failure. When conveying the findings of the COI to Ms Ten, Prof Kong did not mention this finding of the COI. Communication between Prof Kong and Ms Ten continued, with Ms Ten complaining that the COI's process was inadequate and lacked transparency. There were further disagreements between Ms Ten and NUS about the requirements that she needed to fulfil to receive her degree. Eventually, on 4 September 2006, NUS terminated her candidature with immediate effect before she obtained her degree.

Version No 1: 07 Oct 2022 (12:00 hrs)

5 Ms Ten brought suit against NUS to award her the degree and claimed damages for breach of contract, misfeasance in public office, intimidation and negligence. Ms Ten was dissatisfied with the way NUS had handled her complaint against Dr Wong. She felt that NUS and its officers were trying to cover up Dr Wong's misconduct, and had thus retaliated maliciously. In particular, she alleged that Prof Kong and Prof Ang had put obstacles in her way to prevent her from obtaining her degree.

6 On 9 July 2018, all of Ms Ten's claims were dismissed by Woo Bih Li J (as he then was): the Judgement at [301]. Woo J also ordered costs against Ms Ten.[1]

Events following the Judgment

7 Under O 57 r 4 of the Rules of Court applicable at the time, a notice of appeal against a judgment was required to be filed within one month from the date of judgment. Ms Ten did not file a notice of appeal against the Judgment before the prescribed deadline.[2]

8 More than two years later, on 11 August 2020, Ms Ten filed an application ("OS 25") to the Court of Appeal for an extension of time to file a notice of appeal against the Judgment. The Court of Appeal noted that the delay was substantial, and that Ms Ten had failed to provide good reasons for it.[3] The Court of Appeal also considered that Ms Ten's appeal had little prospect of success. Accordingly, the Court of Appeal dismissed Ms Ten's application for

---

1 Order of Court dated 26 July 2019, at Yee Mei Sze Jennifer's 1st Affidavit at p 348.

2 Minute Sheet, OS 25 of 2020 at Yee Mei Sze Jennifer's 1st Affidavit at p 497.

3 Minute Sheet, OS 25 of 2020 at Yee Mei Sze Jennifer's 1st Affidavit at p 497.

Version No 1: 07 Oct 2022 (12:00 hrs)

an extension of time to file a notice of appeal both in respect of the Judgment and Woo J's consequential costs order.

9 Prior to OS 25, on 27 December 2019, NUS had served a statutory demand on Ms Ten in respect of debts arising from costs orders made against Ms Ten during Suit 667. On 9 January 2020, Ms Ten filed an application to set aside the statutory demand ("OSB 3"). After OS 25 was dismissed, AR James Low ("AR Low") dismissed OSB 3.[4] Ms Ten's appeal against AR Low's decision was later dismissed by Andre Maniam JC (as he then was) on 25 January 2021 ("RA 316"). Maniam JC noted that Ms Ten's submissions in OSB 3 were by and large premised on her dissatisfaction with the Judgment and the Court of Appeal's decision in OS 25. These were decisions which she could no longer appeal against.[5] As such, Maniam JC found that the debt that was the subject of OSB 3 was not disputed on grounds which appeared to be substantive and he was not satisfied that there were other grounds on which the statutory demand ought to be set aside.[6]

10 Two months after Maniam JC's decision, on 10 March 2021, Ms Ten filed the OS. She seeks in the OS the following prayers:

> 1. the Honourable High Court consider and determine whether the High Court's Judgment for Suit 667 dated 9 July 2018 is tainted with fraud upon the Court in the

4 Transcript, OSB 3/2020, 8 December 2020 p 19 lines 4–5, at Yee Mei Sze Jennifer's 1st Affidavit at p 555.

5 Transcript, OSB 3/2020, 25 January 2021 p 18 lines 6–15, at Yee Mei Sze Jennifer's 1st Affidavit at p 581.

6 Transcript, OSB 3/2020 p 26 lines 3–6, at Yee Mei Sze Jennifer's 1st Affidavit at p 589.

Version No 1: 07 Oct 2022 (12:00 hrs)

form of perjury by one or more of the witnesses of the Defendant in Suit 667 of 2012.

2. the Honourable High Court set aside the Judgment for Suit 667 on the basis that it is tainted with perjury (on the balance of probabilities) in its entirety, as well as the resulting orders for costs and disbursements, as well as the resulting bankruptcy-related applications or decisions in **HC/OSB 3/2020** and **HC/RA 316/2020** and **HC/B 335/2021** and **HC/SUM 917/2021** and **HC/SUM 967/2021** and any other such applications that the Defendant/respondent may yet file.

3. the Honourable Justice Woo Bih Li be recused from hearing this application and/or any matters in connection with it, on the grounds that there is a reasonable suspicion of an 'appearance of bias' and/or 'apparent bias' based on Justice Woo's so-called "observations' in his written Judgment for Suit 667 (Ten Leu Jiun Jeanne-Marie v National University of Singapore [2018] SGHC 158) at paragraph [302].

4. the Honourable Andre Maniam JC be recused from hearing this application and/or any matters in connection with it, on the grounds that there is a reasonable suspicion of an ***'appearance of bias'*** and/or ***'apparent bias'*** based on the Honourable Andre Maniam JC's recent history of recent association with (and/or recent **subordinate** relationship to) the perjurer Lily Kong, the star witness för NUS in Suit 667.

5. that this Application be heard and decided by Justice Chan Seng Onn, who is judge specialising in perjury.

6. that the Court will make all consequential orders that 'flow' from the setting aside of the Judgment for Suit 667, including:

    (a) setting aside and/or quashing the costs orders (including orders for costs and orders for disbursements) that Justice Woo made against the Plaintiff and in favour of the Defendant in 667;

    (b) substituting those orders for costs and disbursements for Suit 667 with new orders on the indemnity basis, with compound interest (running from the date of the judgment or from the date of the original costs orders), in view of the Defendant egregious dishonesty during

Version No 1: 07 Oct 2022 (12:00 hrs)

proceedings in relying upon perjured evidence and thereby fraudulently misleading, deceiving and duping the Court;

(c) setting aside and/or quashing the Statutory Demand that the Respondent had instituted on the basis of the costs orders tör [*sic*] Suit 667;

(d) setting aside and/or quashing the bankruptcy proceedings that the Respondent has instituted, based upon the costs orders for Suit 667;

(e) setting aside and/or quashing the Court's decision in **HC/OSB 3/2020**;

(f) setting aside and/or quashing the Court's dismissal of **HC/RA 316/2020**;

(g) setting aside and/or quashing any costs orders in the event that such costs orders are made against the Defendant of **HC/B 335/2021** and **HC/SUM 917/2021** and **HC/SUM 967/2021** and

(h) ordering the Respondent to pay costs to me for **HC/OSB 3/2020** and **RA 316/2020** and **HC/B 335/2021** and **HC/SUM 917/2021** and **HC/SUM 967/2021** on the indemnity basis, since all of these proceedings flowed from and were consequential to the Respondent's dishonesty during proceedings in relying upon perjured evidence and thereby fraudulently misleading, deceiving and duping the Court in Suit 667.

7. costs of and incidental to this application be provided for on the indemnity basis, in view of the fact that this application was necessitated by the Respondent's dishonesty during proceedings, in relying upon the dishonest and perjured evidence of the Respondent's

Version No 1: 07 Oct 2022 (12:00 hrs)

> star witnesses for Suit 667, and thereby fraudulently misleading, deceiving and duping the Court in Suit 667.
>
> 8. such further and/or other relief as this Honourable Court deems fit.
>
> 9. the inherent powers of the Court is invoked pursuant to O 92 r 4 of the Rules of Court.

11 On 8 April 2021, NUS applied for the OS to be struck out pursuant to O 18 r 19 of the Rules of Court (2014 Rev Ed) (the "ROC"). NUS filed an affidavit in support of its application for striking out. Ms Ten did not file an affidavit in reply, although after the time for doing so passed, she asked various times to do so without filing an application. The assistant registrar (the "AR") granted NUS's application on 16 December 2021, striking out the OS and ordering costs in NUS's favour.

12 On 27 December 2021, by Registrar's Appeal 351 of 2022 (the "RA") Ms Ten appealed against the AR's decision. Subsequently, on 29 April 2021, she filed an application to admit further evidence for the purposes of the RA ("Summons 1658 of 2022"). She filed an affidavit in support of this application. In the interest of having matters dealt with expeditiously, NUS agreed to let that affidavit stand as Ms Ten's affidavit in the RA, subject to their arguments on its contents.

The application to strike out the originating summons

Context for striking out

13 Under O 18 r 19 of the ROC, the court may, at any stage of proceedings, order the striking out of an originating summons. Order 18 r 19(1) reads as follows:

> **19.—**(1) The Court may at any stage of the proceedings order to be struck out or amended any pleading or the endorsement

Version No 1: 07 Oct 2022 (12:00 hrs)

> of any writ in the action, or anything in any pleading or in the endorsement, on the ground that —
>
> > (*a)* it discloses no reasonable cause of action or defence, as the case may be;
> >
> > (*b*) it is scandalous, frivolous or vexatious;
> >
> > (*c*) it may prejudice, embarrass or delay the fair trial of the action; or
> >
> > (*d*) it is otherwise an abuse of the process of the Court,
>
> and may order the action to be stayed or dismissed or judgment to be entered accordingly, as the case may be.

In this case, NUS contends that the OS should be struck out because it is an abuse of the process of the court. In the alternative, NUS argues that the OS should be struck out because it is frivolous and/or vexatious, and/or discloses no reasonable cause of action.[7]

The AR's decision

14 The AR found that the issues raised in Prayers 1, 2 and 6 were *res judicata* because they either had been raised or should have been raised in Suit 667.[8] However, the AR did not accept NUS's argument that the CA's decision in OS 25 raised an issue estoppel, as it was not a final and conclusive judgment on the merits of Ms Ten's perjury allegations.[9] Prayers 3, 4 and 5 were also struck out because, first, they were consequential to prayers 1 and 2 and could not stand alone; and secondly, they had no legal basis.[10]

---

[7] Respondent's Written Submissions at para 21.

[8] Transcript, 16 December 2021, p 4 lines 6–8.

[9] Transcript, 16 December 2021, p 5 line 24 to p 6 line 12.

[10] Transcript, 16 December 2021, p 8 line 1 to p 9 line 4.

Version No 1: 07 Oct 2022 (12:00 hrs)

Issues in the appeal

15 Ms Ten appealed against all the AR's orders.

16 The OS prayed for a variety of remedies. I deal with them in two categories: Prayers 1, 2 and 6, which ask for substantive relief in respect of the Judgment; and Prayers 3, 4 and 5, which ask for a specific judge to hear the OS and for two other judges to be recused from doing so.

Prayers 1, 2 and 6

17 These prayers are premised on the argument that the judgment in Suit 667 was obtained by fraud and perjury and should thus be set aside.

The law on setting aside a judgment obtained by fraud

18 In *Harmonious Coretrades Pte Ltd v United Integrated Services Pte Ltd* [2020] 1 SLR 206, the Court of Appeal recognised at [34] that one of three situations in which a judgment may be set aside was where it had been obtained by fraud. The Court of Appeal regarded as settled law, Prakash J's (as she then was) summation at [44]–[46] of *Ong Cher Keong v Goh Chin Soon Ricky* [2001] 1 SLR(R) 213 which included the following:

> The second situation is when a judgment has been obtained by fraud. Such a judgment may be impeached by means of an action which may be brought without leave. The fraud must relate to matters which *prima facie* would be a reason for setting the judgment aside if they were established by proof and the fraud must have been discovered after the judgment was passed…

19 The second criterion identified in the passage above is fundamental to the analysis at hand: the fraud must have been *discovered after the judgment was passed*. In the present case, and as I will explain, because there is no fresh

Version No 1: 07 Oct 2022 (12:00 hrs)

material evidence that arose after the Judgment, the doctrines of issue estoppel and the extended doctrine of *res judicata* are pertinent.

***The law on issue estoppel and the extended doctrine of* res judicata**

20 NUS relies upon the doctrines of issue estoppel and the extended doctrine of *res judicata*, which operate to preclude litigants from making arguments that were previously rejected by a court or tribunal or that should have been advanced on an earlier occasion. The underlying policy behind the doctrines is that litigants should not be twice vexed in the same matter, and that the public interest requires finality in litigation: *The Royal Bank of Scotland NV (formerly known as ABN Amro Bank NV) and others v TT International Ltd (nTan Corporate Advisory Pte Ltd and others, other parties) and another appeal* [2015] 5 SLR 1104 ("*Royal Bank of Scotland*") at [98].

21 Issue estoppel is established "when a court of competent jurisdiction has determined some question of fact or law, either in the course of the same litigation (for example, as a preliminary point) or in other litigation which raises the same point between the same parties": *Watt (formerly Carter) and others v Ahsan* [2008] 1 AC 696 at [31], as cited in *Royal Bank of Scotland* at [100]. In other words, issue estoppel applies where a litigant seeks to reargue points which have already been the subject of a previous judicial decision in earlier proceedings between the same parties: *Royal Bank of Scotland* at [101].

22 In addition, there are situations where a litigant seeks to argue points which were not previously determined by a court or tribunal because they were not brought to the attention of that court or tribunal. If the points ought properly to have been brought before that court or tribunal, the litigant will not be permitted to reargue those points in the absence of special circumstances. This

Version No 1: 07 Oct 2022 (12:00 hrs)

is known as the extended doctrine of *res judicata*, or the doctrine of abuse of process: *Royal Bank of Scotland* at [101]–[102].

Ms Ten's perjury allegations

Suit 667 of 2012

23 In Suit 667, Ms Ten made allegations regarding the credibility of NUS's key witnesses, including Prof Kong and Prof Ang. Ms Ten's counsel challenged Prof Kong and Prof Ang during cross-examination on the truth of the evidence they were giving.[11] Subsequently in closing submissions, Ms Ten's counsel contended that Prof Kong and Prof Ang had been dishonest when giving evidence on the stand and pointed to inconsistencies between the documentary evidence and their evidence in court.

Ms Ten's affidavit filed in support of the OS

24 Ms Ten's affidavit filed in support of the OS recounts Prof Kong's and Prof Ang's evidence in Suit 667, and contends that Prof Kong perjured herself in Suit 667. It also recounts NUS's statutory demand and bankruptcy proceedings against her, and her application to the Court of Appeal for an extension of time to appeal. Concluding that she was denied access to justice by the Court of Appeal, Ms Ten argues that she was forced to apply to this court to decide on the issue of perjury by NUS witnesses as a basis for setting aside the Judgment "on the grounds that the [Judgment] is tainted by 'fraud upon the court' in the form of perjury by the star witnesses for NUS".[12]

---

[11] Ms Ten's Closing Submissions in Suit 667; Yee Mei Sze Jennifer's 1st Affidavit at pp 240–247.

[12] Ms Ten's 1st Affidavit at para 183.

Version No 1: 07 Oct 2022 (12:00 hrs)

Ms Ten's further affidavit for the RA

25 Ms Ten's further affidavit contains many assertions which are in the nature of submissions about the various hearings in the High Court and Court of Appeal. I considered these submissions as such. There are two pieces of fresh evidence sought to be adduced by Ms Ten in this affidavit. The first is a police report that she made on 14 February 2022 about Prof Kong's and Prof Ang's alleged perjury.[13] The text of the police report comprises assertions that were made in Suit 667 about Dr Wong, Prof Ang and Prof Kong. The fact that Ms Ten has repeated her allegations recently in a police report does not have any evidential value in respect of her arguments on the alleged fraud or perjury.

26 The second is a purported expert opinion by a Professor David Lewis, who describes himself as a professor of employment law from Middlesex University, London ("Prof Lewis"),[14] No resume is attached to his opinion. His opinion considers various documents which were put before the court in Suit 667. He highlights contradictions between the evidence contained in those documents and the findings of the court. Prof Lewis appears unaware that the appropriate arbiter for the matters he expressed his opinion on would be the Court of Appeal. The Court of Appeal, as I recounted earlier, dismissed Ms Ten's application for an extension of time to appeal on 30 October 2020. Prof Lewis's opinion on Woo J's decision is irrelevant to the OS, and accordingly to the RA.

---

13 Ms Ten's 2nd Affidavit at pp 26–27.

14 Ms Ten's 2nd Affidavit at pp 29–33.

Version No 1: 07 Oct 2022 (12:00 hrs)

Was the OS barred by issue estoppel and/or abuse of process?

27 As is clear from the above, neither of Ms Ten's affidavits raise evidence that was not before the court in Suit 667 that is material to her allegation that NUS's witnesses had perjured themselves in Suit 667. In this context, I now turn to consider NUS' contentions that issue estoppel and the doctrine of extended *res judicata* bar Ms Ten's claims in the OS.

Issue estoppel

28 In *Goh Nellie v Goh Lian Teck and others* [2007] 1 SLR(R) 453 ("*Goh Nellie*") at [26], Sundaresh Menon JC (as he then was) identified the following four requirements for issue estoppel to arise:

(a) there is a final and conclusive judgment on the merits;

(b) that judgment is from a court of competent jurisdiction;

(c) there is identity between the parties to the two actions that are being compared; and

(d) there is an identity of subject matter in the two proceedings.

29 The first three requirements are plainly met. The issue is whether there is identity of subject matter in the two proceedings. At [34]–[38] of *Goh Nellie*, Menon JC explained that identity of subject matter encapsulates three conceptual strands:

(a) First, the issues must be identical in that the prior decision must traverse the same ground as the subsequent proceeding and the facts and circumstances giving rise to the earlier decision must not have changed or should be incapable of change.

Version No 1: 07 Oct 2022 (12:00 hrs)

(b) Second, the previous determination must have been fundamental and not merely collateral to the previous decision so that the decision could not stand without that determination.

(c) The third strand, which can be seen as a logical corollary of the first two strands, is that the issue in question should be shown in fact to have been raised and argued.

30 In the present case, the issue raised by Ms Ten is whether NUS's witnesses committed perjury in Suit 667. On her own evidence, this issue was raised squarely by her and argued at length in Suit 667.[15] The query, if any, pertains to (b), that is whether there was a determination by Woo J on the issue that was fundamental to the Judgment. In this respect, NUS argues that "the argument that [NUS's] witnesses had committed perjury and/or were dishonest in Suit 667 had already been considered and dismissed by Justice Woo in finding that [NUS's] officers had not acted maliciously."[16] NUS could not, however, point to a specific finding or determination in the Judgment on the issue of perjury or dishonesty of NUS's witnesses.

31 In this regard, Menon JC in *Goh Nellie* drew a distinction between issues which are "no more than steps in a process of reasoning" and those which are "so cardinal" that the decision "cannot stand without them" (*Goh Nellie* at [37] citing *Blair v Curran* (1939) 62 CLR 464 ("*Blair*"). As stated by Dixon J in *Blair* at 532, "nothing but what is *legally indispensable* to the conclusion is thus finally closed or precluded" [emphasis added].

---

15 Ms Ten's 1st Affidavit at para 168.

16 Respondent's Written Reply Submissions at para 15.

Version No 1: 07 Oct 2022 (12:00 hrs)

32 In my view, the Judgment contains no specific determination on Ms Ten's allegations because such a determination was not necessary to the court's decision. NUS argues that it would not have been possible for Woo J to have found in their favour on the tort of misfeasance without making determinations on Ms Ten's allegations on perjury. To address this argument, I use the requirements for the tort which Woo J set out at [115] of the Judgment:

(a) the act is done maliciously or with knowledge that it is *ultra vires* the power of the public body;

(b) it is foreseeable that the act would cause damage to the plaintiffs; and

(c) the act actually does cause damage to the plaintiffs.

33 The requirement which potentially relates to the credibility of NUS's witnesses is the one at (a). Woo J concluded at [252] of the Judgment that there was clearly no malice or knowledge that they were acting *ultra vires* on the part of Prof Kong or other officers of NUS. For this reason, he found that Ms Ten's claim on the tort of misfeasance in public office failed. In particular Woo J made the following findings:

(a) Ms Ten contended that NUS had deliberately concealed the terms of reference of the COI in relation to her complaint against Dr Wong, because the terms of reference were vague, and did not reflect the true nature of her complaint. Woo J found that NUS's omission to give Ms Ten information about the identity of all the members of the COI and the terms of reference, or to answer her questions did not constitute deliberate conduct. Neither did the terms of reference suggest any deliberate conduct of Prof Kong to be vague: at [147] of the Judgment.

Version No 1: 07 Oct 2022 (12:00 hrs)

(b) Ms Ten contended that Prof Kong covered up the COI's findings against Dr Wong and misled her into believing that the COI had completely exonerated Dr Wong, despite the fact that the COI had recommended that Dr Wong be censured for his failure to properly supervise Ms Ten. Woo J found that Prof Kong's incomplete summary of the COI's conclusions was not inadvertent, but was not malicious or done with knowledge that it was *ultra vires*. The omission was also not an illustration of prejudice on the part of Prof Kong, who was *bona fide* focused on proceeding with moving the examination of Ms Ten's thesis along: [153], [157] and [159] of the Judgment.

(c) Prof Kong and Prof Ang had not acted deliberately against Ms Ten: the Judgment at [166] and [177]–[179].

(d) Ms Ten alleged that Prof Kong had imposed as a condition for awarding her degree, that she accept the COI's findings. Prof Kong denied imposing such a requirement. While Woo J found that Prof Kong did impose the requirement, he held that she did not do so maliciously or with knowledge that it was *ultra vires*: [230] and [252] of the Judgment. This conclusion was reached after a holistic examination of her conduct and a consideration of the relevant correspondence: [235] and [242] of the Judgment.

34 NUS's argument on issue estoppel rests on the logic that Woo J's findings that are detailed above must have indicated disagreement with Ms Ten's allegations of perjury. This is because Ms Ten's perjury contentions were premised on Prof Kong's dishonesty. While this may be true as a matter of logic, the logical connection falls short of establishing identity of subject matter for the purposes of issue estoppel. Any disagreement by Woo J with Ms Ten's

Version No 1: 07 Oct 2022 (12:00 hrs)

perjury allegations was implicit rather than expressed in a determination that could be said to be cardinal to his conclusion on the tort of misfeasance. Further, while the concepts of malice, dishonesty and perjury are related, they are not strictly the same. As an illustration, it would be theoretically possible to conclude, on the totality of the evidence, that Prof Kong had acted honestly at all times when dealing with Ms Ten regarding her complaint and the awarding of her degree, while at the same time holding the view that she was not a completely honest witness at trial. Thus, I conclude that an implicit determination, if any, by Woo J on the specific allegations which Ms Ten raises in the OS was "no more than [a step] in [the] process of reasoning" (see [31] above).

35 The view that Woo J did not specifically determine Ms Ten's allegations of perjury in the Judgment is consistent with the Court of Appeal's approach when the allegations were raised by Ms Ten in OS 25. While seeing no issue with the merits of Woo J's findings on each of the causes of action, the Court of Appeal dealt with Ms Ten's perjury allegations as if they *arose from* Woo J's findings in the Judgment and concluded that they were "unsubstantiated".[17]

36 NUS's arguments are, however, relevant to the extended doctrine of *res judicata*, to which I now turn.

Extended doctrine of res judicata

37 The extended doctrine of *res judicata* requires a fact-specific inquiry to determine whether an issue should have been raised in earlier proceedings. *Goh Nellie* set out the following non-exhaustive list of relevant considerations at [53]:

[17] Minute Sheet, OS 25 of 2020 at Yee Mei Sze Jennifer's 1st Affidavit at p 497.

Version No 1: 07 Oct 2022 (12:00 hrs)

(a) whether the later proceedings in substance is nothing more than a collateral attack on the previous decision;

(b) whether there is fresh evidence that might warrant re-litigation;

(c) whether there are *bona fide* reasons why an issue that ought to have been raised in the earlier action was not; and

(d) whether there are some other special circumstances that would justify allowing the case to proceed.

38 In Suit 667, Ms Ten's arguments were premised on the fact that NUS's witnesses had been dishonest on the stand. In other words, the issue was central to *her* case, even though it did not turn out to be fundamental to the Judgment. In the light of the fact that it was fundamental to her case, she ought to have brought forward her whole case in that proceeding. As explained in *Henderson v Henderson* (1843) 3 Hare 100 ("*Henderson*"), at 114–115:

> … [W]here a given matter becomes the subject of litigation in, and of adjudication by, a Court of competent jurisdiction, the Court requires the parties to that litigation to bring forward their whole case, and will not (except under special circumstances) permit the same parties to open the same subject of litigation in respect of matter which might have been brought forward as part of the subject in contest, but which was not brought forward, only because they have, from negligence, inadvertence, or even accident, omitted part of their case. The plea of *res judicata* applies, except in special cases, not only to points upon which the Court was actually required by the parties to form an opinion and pronounce a judgment, but to every point which properly belonged to the subject of litigation, and which [the] parties, exercising reasonable diligence, might have brought forward at the time.

39 Ms Ten makes the argument that the *Henderson* doctrine only applies to cases where an issue was not raised in an earlier proceeding. She refers to *BWG v BWF* [2020] 1 SLR 1296 at [53] ("*BWG v BWF*"), where the Court of Appeal referred to the *Henderson* rule as one "that a litigant may not make a case in

Version No 1: 07 Oct 2022 (12:00 hrs)

litigation which might have been, but was not, made in previous litigation". Her point is that because the perjury issue was repeatedly raised by her and her counsel, it could not be subject to the *Henderson* rule as framed by the Court of Appeal.[18] However, she has misunderstood the Court of Appeal's remarks, and those of the other High Court decisions she referred to. The *Henderson* rule is often referred to as the extended doctrine of *res judicata* because it *extends* the breadth of the doctrine of *res judicata*. It applies to a wider range of scenarios for policy reasons which I return to at [62] below. Thus, for example, for issue estoppel to apply, it is a requirement that the issue was referred to and was the subject of argument: *Goh Nellie* at [38]. However, there is no such requirement when it comes to the extended doctrine of *res judicata* or abuse of process. This was what the Court of Appeal alluded to in *BWG v BWF*. The Court of Appeal was not suggesting that a matter *must have* not been raised in earlier proceedings for the doctrine of abuse of process to apply. This would lead to legal absurdity because a litigant could thereby escape the ambit of the extended doctrine by simply raising irrelevant issues in litigation which are, for obvious reasons, eventually not determined.

40 Coming to the case at hand, issue estoppel does not apply because the issue in question was not fundamental to the decision in the Judgment. Nevertheless, as may be seen from the extract from *Henderson* at [38] above, what Ms Ten has raised before, she is not permitted to raise again. As the plaintiff in the earlier case, she had raised issues pertaining to the honesty of NUS's witnesses, and is now, again as a plaintiff, raising the issues raised earlier. In *Royal Bank of Scotland* at [102], the Court of Appeal explained that the purpose behind the extended doctrine is to limit *abusive and duplicative litigation*.

---

18 Ms Ten's Reply Submissions, paras 171–185.

Version No 1: 07 Oct 2022 (12:00 hrs)

41 Returning to the relevant considerations at [53] of *Goh Nellie* (summarised at [37] above), the issue of perjury not having been decided in her favour, the extended doctrine operates as a bar to the OS unless there are matters of fresh evidence that warrant re-litigation, or other *bona fide* reasons why Ms Ten should be allowed to advance this argument again.

42 In this respect, it must also be noted that the notion of there having been fraud perpetrated in Suit 667 is not new. It was already once pursued after the Judgment, in the context of the application for an extension of time to appeal. On the evidence presented in that application, the Court of Appeal noted that the allegations were unsubstantiated. In their remarks, the Court of Appeal directly addressed one of Ms Ten's concerns about the inconsistency between Woo J's findings and Prof Kong's evidence on the witness stand, as follows:[19]

> The Applicant's overarching submission that the Respondent had obtained judgment by fraud because its witnesses had committed perjury is unsubstantiated. For example, the Applicant claims that Vice-Provost Kong perjured herself by not admitting that she had required the Applicant to accept the decision of the Committee on Inquiry on the plagiarism issue, when the Judge found that such a condition was indeed imposed on the Applicant (see *Ten Leu Jiun Jeanne-Marie v National University of Singapore* [2018] SGHC 158 at [230]). However, the Judge reached this conclusion having found that Vice-Provost Kong's letter of 11 August 2006 was ambiguous from an objective viewpoint. He therefore applied the *contra proferentem* rule in the Applicant's favour (at [226]). His finding is not inconsistent with the fact that Vice-Provost Kong did not *subjectively* intend to impose that condition on the Applicant.

43 In the OS, Ms Ten has similarly not brought any new evidence forward. She has again sought to establish fraud by pointing to the documentary evidence that was before the court in Suit 667, and the findings in the Judgment itself. The primary purpose of the OS is to advance a case that Suit 667 was wrongly

[19] Minute Sheet, OS 25 of 2020 at Yee Mei Sze Jennifer's 1st Affidavit pp 497–498.

Version No 1: 07 Oct 2022 (12:00 hrs)

decided *on the evidence that was before it*. Ms Ten was frank as to this purpose and motivation:[20]

> My only chance of avoiding bankruptcy at the hands of NUS in HC/B 335, is if the Court will allow my appeal in RA 351, and then hear OS 226 and set aside the 'unsafe' and 'tainted' Judgment in Suit 667.

And:[21]

> When a trial judge is totally oblivious to perjury, this 'taints' the trial judgment, and it renders the judgment 'unsafe,' especially when a party is facing severe consequences based upon that judgment (for example, I am now facing bankruptcy at the hands of NUS, in HC/B 335, based on the costs orders for Suit 667.
>
> …
>
> The 'test' for setting aside a judgment because of 'fraud upon the Court' is if there is '***a real danger that this affected the outcome of the trial.***' This what happened in Suit 667, where Justice Woo was so completely deceived by the perjury that he remained totally oblivious to the perjury, as proven by the fact that he did not deal with the issue of perjury at all, anywhere in his 303-paragraph written judgment for Suit 667, even after my former lawyer had repeatedly pointed out to Justice Woo that Lily Kong had committed perjury.

44 This amounts to nothing more than an impermissible collateral attack on the Judgment. Of relevance are Lord Diplock's remarks in *Hunter v Chief Constable of the West Midlands Police* [1982] AC 529 at 541 that were cited in *Goh Nellie* at [20]:

> The abuse of process which the instant case exemplifies is the initiation of proceedings in a court of justice for the purpose of mounting a collateral attack upon a final decision against the intending plaintiff which has been made by another court of competent jurisdiction in previous proceedings in which the

---

20 Ms Ten's Reply Submissions in RA 351, para 2.

21 Ms Ten's Written Submissions at paras 105–106.

Version No 1: 07 Oct 2022 (12:00 hrs)

> intending plaintiff had a full opportunity of contesting the decision in the court by which it was made.

45 The OS is therefore barred by the extended doctrine of *res judicata*.

Did the OS meet the requirements for setting aside the Judgment on the grounds of fraud?

46 Finally, I turn to consider, issue estoppel and abuse of process aside, the factual and legal sustainability of Ms Ten's claim that the Judgment should be set aside because it was tainted by fraud.

47 In *Ching Chew Weng Paul and others v Ching Pui Sim and others* [2011] 3 SLR 869 ("*Ching Chew Weng Paul*") at [40], Steven Chong J (as he then was) set out Kirby P's summary on how assertions of perjury should be dealt with, from *Wentworth v Rogers (No 5)* (1986) 6 NSWLR 534 (at 538–539). It is apt to this case and I set it out here:

> *First*, the essence of the action is fraud. As in all actions based on fraud, *particulars of the fraud claimed must be exactly given* and the allegations must be established by the *strict proof* which such a charge requires: *Jonesco v Beard* [1930] AC 298 at 301; *McHarg v Woods Radio Pty Ltd* [[1948] VLR 496 at 497].
>
> *Secondly*, it must be shown, by the party asserting that a judgment was procured by fraud, that there has been a *new discovery of something material*, in the sense that fresh facts have been found which, by themselves or in combination with previously known facts, *would provide a reason for setting aside the judgment*: see Lord Selborne LC in *Boswell v Coaks (No 2)* (1894) 6 R 167 at 170, 174: 86 LT 365 at 366, 368: *Cabassi v Vila* (1940) 64 CLR 130 at 147; *McDonald v McDonald* (1965) 113 CLR 529 at 533; *Everett v Ribbands* (1946) 175 LT 143 at 145, 146; *Birch v Birch* [1902] P 130 at 136, 137–138; *Ronald v Harper* [1913] VLR 311 at 318. This rule has an ancient lineage: see, eg, *Shedden v Patrick* (1854) 1 Macq 535 at 615, 622; *Halsbury Laws of England*, 4th ed, par 560 at 285. It is based upon a number of grounds. There is a public interest in finality of litigation. Parties ought not, by proceeding to impugn a judgment, to be permitted to relitigate matters which were the subject of the earlier proceedings which gave rise to the

Version No 1: 07 Oct 2022 (12:00 hrs)

judgment. Especially should they not be so permitted, if they move on nothing more than the evidence upon which they have previously failed. If they have evidence of fraud which may taint a judgment of the courts, they should not collude in such a consequence by refraining from raising their objection at the trial, thereby keeping the complaint in reserve. It is their responsibility to ensure that the taint of fraud is avoided and the integrity of the court's process preserved.

Thirdly, mere suspicion of fraud, raised by fresh facts later discovered, will not be sufficient to secure relief. *Birch v Birch* [[1902] P 130 at 136, 139]; *McHarg v Woods Radio Pty Ltd* [[1948] VLR 496 at 498]; *Ronald v Harper* [[1913] VLR 311 at 318]. The claimant must establish that the new facts are so evidenced and *so material* that it is reasonably probable that the action will succeed. This rule is founded squarely in the public interest in finality of public litigation and in upholding judgments duly entered at the termination of proceedings in the courts.

Fourthly, although perjury by the successful party or a witness or witnesses may, if later discovered, warrant the setting aside of a judgment on the ground that it was procured by fraud, and although there may be exceptional cases where such proof of perjury could suffice, without more, to warrant relief of this kind, *the mere allegation, or even the proof, of perjury will not normally be sufficient to attract such drastic and exceptional relief as the setting aside of a judgment*; *Cabassi v Vila* [(1940) 64 CLR 130 at 147, 148]; *Baker v Wadsworth* (1898) 67 LJ QB 301; *Everett v Ribbands* [(1946) 175 LT 143 at 145, 146]. The other requirements must be fulfilled. *In hard fought litigation, it is not at all uncommon for there to be a conflict of testimony which has to be resolved by a judge or jury. In many cases of contradictory evidence, one party must be mistaken. He or she may even be deceiving the court. The unsuccessful party in the litigation will often consider that failure in the litigation has been procured by false evidence on the part of the opponent and the witnesses called by the opponent. If every case in which such an opinion was held gave rise to proceedings of this kind, the courts would be even more burdened with the review of first instance decisions than they are. For this reason, and in defence of finality of judgments, a more stringent requirement than alleged perjury alone is required.*

Fifthly, it must be shown by admissible evidence that the successful party was responsible for the fraud which taints the judgment under challenge. The evidence in support of the charge ought to be extrinsic: cf *Perry v Meddowcroft* (1846) 10 Beau 122 at 136–139; 50 ER 529 at 534, 535. It is not sufficient to show that an agent of the successful party was convicted of

Version No 1: 07 Oct 2022 (12:00 hrs)

> giving perjured evidence in the former proceeding, the result of which it is sought to impeach. It must be shown that the agent, in so acting, was in concert with the party who derived the benefit of the judgment. *Ronald v Harper* [[1913] VLR 311 at 318]; *Sheddon v Patrick* [(1854) 1 Macq 535 at 643].
>
> *Sixthly*, the burden of establishing the components necessary to warrant the drastic step of setting aside a judgment, allegedly affected by fraud or other relevant taint, lies on the party impugning the judgment. It is for that party to establish the fraud and to do so clearly. *In summary, he or she must establish that the case is based on newly discovered facts; that the facts are material and such as to make it reasonably probable that the case will succeed; that they go beyond mere allegations of perjury on the part of witnesses at the trial; and that the opposing party who took advantage of the judgment is shown, by admissible evidence, to have been responsible for the fraud in such a way as to render it inequitable that such party should take the benefit of the judgment.*
>
> [emphasis added]

48 This *dicta* illumines how exceptional fresh evidence must be in order to raise, in a new action, the contention that an earlier judgment was tainted by fraud and in particular, perjury on the part of witnesses. In this regard, the present case must be distinguished from *Takhar v Gracefield Developments Ltd and others* [2019] 2 WLR 984 ("*Takhar*") and *Su Sh-Hsyu v Wee Yue Chew* [2007] 3 SLR(R) 673, authorities on which Ms Ten relies. In both of these cases, fresh material evidence arose after their conclusion, and fraud had not been raised in the proceedings leading to the judgment sought to be set aside. In both cases, expert evidence was adduced concerning the authenticity of signatures on transfer documents for properties that were key to the dispute at the earlier trials. At the hearing, Ms Ten sought to liken Prof Lewis's opinion to that of the expert dealing with the authenticity of the signature of the claimant in *Takhar*. However, Prof Lewis's opinion is in an entirely different category. His report does not pertain to any scientific or technical fact. It would not be admissible evidence under the Evidence Act 1893. There was therefore no fresh evidence that Ms Ten sought to rely on in the OS. The principles that the UK Supreme

Version No 1: 07 Oct 2022 (12:00 hrs)

Court cited in *Takhar*, at [56], referring to *Royal Bank of Scotland plc v Highland Financial Partners lp* [2013] 1 CLC 596 at para 106, are apposite:

> The principles are, briefly: first, there has to be a 'conscious and deliberate dishonesty' in relation to the relevant evidence given, or action taken, statement made or matter concealed, which is relevant to the judgment now sought to be impugned. Secondly, the relevant evidence, action, statement or concealment (performed with conscious and deliberate dishonesty) must be 'material'. *'Material' means that the fresh evidence that is adduced after the first judgment has been given is such that it demonstrates that the previous relevant evidence, action, statement or concealment was an operative cause of the court's decision to give judgment in the way it did. Put another way, it must be shown that the fresh evidence would have entirely changed the way in which the first court approached and came to its decision.* Thus the relevant conscious and deliberate dishonesty must be causative of the impugned judgment being obtained in the terms it was. Thirdly, the question of materiality of the fresh evidence is to be assessed by reference to its impact on the evidence supporting the original decision, not by reference to its impact on what decision might be made if the claim were to be retried on honest evidence.
>
> [emphasis added]

49 These authorities align with the analysis set out in *Ong Cher Keong*: see [18] above. Similar to *Ching Chew Weng Paul*, *Takhar* emphasised that finality is important, citing (at [44]) *The Ampthill Peerage* [1977] AC 547 at 569:

> Any determination of disputable fact may, the law recognises, be imperfect: the law aims at providing the best and safest solution compatible with human fallibility and having reached that solution it closes the book. The law knows, and we all know, that sometimes fresh material may be found, which perhaps might lead to a different result, but, in the interest of peace, certainty and security it prevents further inquiry. It is said that in doing this, the law is preferring justice to truth. That may be so: these values cannot always coincide. The law does its best to reduce the gap. But there are cases where the certainty of justice prevails over the possibility of truth (I do not say that this is such a case), and these are cases where the law insists on finality. For a policy of closure to be compatible with justice, it must be attended with safeguards: so the law allows appeals: so the law, exceptionally, allows appeals out of time: so the law still more exceptionally allows judgments to be attacked on the ground of fraud …

Version No 1: 07 Oct 2022 (12:00 hrs)

50 By Ms Ten's own assertions, she sought to make the same arguments that her counsel pressed in Suit 667.[22] While the police report and the expert opinion did arise after the Judgment, they do not relate to any of the material events considered in Suit 667 and therefore certainly are not evidence of matters which *prima facie* would be a reason for setting the decision in Suit 667 if they were established by proof.

51 Ms Ten's approach was summed up in her written submissions, which made patent that she did not seek to rely on any new evidence that was not before the court in Suit 667:[23]

> I emphasise that, in deciding whether or not Lily Kong committed perjury (as I have alleged), the Court in OS 226 should be able to make this finding merely by examining the written records of Lily Kong's own words, as recorded in a few key contemporaneous documents which are described in great detail in my Affidavit for OS 226 that I filed on 10 March 2021, especially (a) pages 94-112 of the Court's official transcript of Lily Kong's sworn testimony during cross-examination at trial on 21 August 2017, (b) paragraphs 121, 122, 199, 204, 205, 208, 210, 211, 213 and 218 of Lily Kong's AEIC for Suit 667 (as I have detailed in my Affidavit for OS 226 that I filed on 10 March 2021), (c) paragraphs 10 and 11 of the email that Lily Kong sent to Tan Chorh Chuan on 2 September 2006 (at 2AB 1182) and (d) the one-paragraph email that Lily Kong sent to Sitoe Yew Kok, Ang Siau Gek and Lai Ai Lee on 9 January 2007 (at 2AB 1237), as well as (e) the one-paragraph 'in toto' email that NUS Registrar Ang Siau Gek sent to NUS President Tan Chorh Chuan on 12 January 2009 (at 3AB 1378).

52 Given that Ms Ten has not raised any fresh material evidence in the OS, it must be struck out.

53 As a final matter, I deal with Ms Ten's mode of commencing this claim. Fraud allegations carry a high threshold of proof and affidavit evidence is

---

[22] Ms Ten's Written Submissions at paras 106, 309, 336 and 413.

[23] Ms Ten's Written Submissions at para 393.

Version No 1: 07 Oct 2022 (12:00 hrs)

usually not sufficient to lead to a finding of fraud: see *Yee Heng Khay (alias Roger) v Angliss Singapore Pte Ltd and another matter* [2022] SGHC(A) 20 at [19]. A writ action is the appropriate mode of commencement where factual matters require resolution: O 5 r 2 of the ROC. For completeness, I highlight that even though I could have allowed the appeal and converted the matter to a writ action if any of Ms Ten's arguments required a trial, I did not think any of her arguments were of sufficient materiality to be tested in an action converted to a writ. Ms Ten's view, in any event, as seen from the extract at the [51] above, is that no new factual issues needed to be determined.

Prayers 3, 4 and 5

54 Prayers 3 and 4 are specific requests for Woo JAD and Maniam J not to hear the OS. Prayer 5 is a specific request for Chan SJ to hear the OS. These prayers are now irrelevant as I dismiss the appeal against the striking out of the OS. As I will explain, these prayers are also legally and factually unsustainable and are therefore frivolous and vexatious.

55 Prayers 3 and 4 contain allegations of apparent bias. The law on apparent bias was definitively restated in the case of *BOI v BOJ* [2018] 2 SLR 1156 at [103]:

> (a) *The general test is an objective one*: whether there are circumstances that would give rise to a *reasonable suspicion or apprehension* of bias in the fair-minded and informed observer.
>
> (b) *"Reasonable suspicion or apprehension"*: there is a reasonable suspicion or apprehension of bias when an observer would think, from relevant circumstances, that bias is possible. This belief cannot be

Version No 1: 07 Oct 2022 (12:00 hrs)

fanciful, and it must be a reasoned one, capable of articulation with reference to the evidence presented.

(c) *The observer's perspective is that from which matters are to be judged*: such an observer would be informed of all relevant facts that are generally capable of being known by members of the public, including the traditions of integrity and impartiality that the administrators of justice have to uphold. The observer must also be fair-minded, and cannot be unduly complacent, sensitive or suspicious.

56 Prayer 3 alleges apparent bias on the premise of [302] of the Judgment. At [302], Woo J observed as follows:

> Although I have some sympathy for the Plaintiff, she has only herself to blame. She allowed her view and distrust of Dr Wong to cloud her judgment in her interaction with those she complained to. I agree with the DCS (at para 17) that she viewed the views of others who did not agree with her with irrational suspicion and distrust and perceived them as signs of wrongdoing and/or conspiracy against her. While quick to criticise others, she could not see her own prejudices and how difficult she appeared to others. Her repetitive complaints about the examination process even after the successful outcome of the examination is perhaps one of the best illustrations of her jaundiced perception. Her inability to differentiate between her complaints about Dr Wong and the requirements she had to comply with has led her to the unfortunate situation she finds herself in. Attempts to resolve or mediate the dispute have failed.

57 An objective reading of [302] does not yield any reasonable suspicion or apprehension of bias. It was a specific finding of fact made in the context of a factual matrix established at trial and based on a trial judge's consideration of witnesses assessed at trial. When the paragraph is read in the context of the judgment as a whole, it is clear that Woo J's observation at [302] was a conclusion drawn from facts as found earlier in the judgment. A fair-minded observer would not thereby conclude that Woo J would be biased in any future

Version No 1: 07 Oct 2022 (12:00 hrs)

proceedings tried before him that involved Ms Ten. The mere fact that a judge has previously made adverse comments or findings against a litigant is, on its own, not sufficient for a recusal application to succeed: *TOW v TOV* [2017] 3 SLR 725 at [42].

58 Prayer 4 prays for Maniam J's recusal on the ground of apparent bias as Maniam J was previously a lecturer at the Singapore Management University where Prof Kong was Vice Provost. This information does not give rise to any reasonable suspicion of bias. An oral application to this effect was also made in the course of RA 316, which Maniam JC (as he then was) dismissed.[24]

59 The Court of Appeal's guidance in *BOI v BOJ* on such matters at [141] remains apt:

> Finally, we cannot emphasise enough how extremely serious allegations of judicial bias are. Indeed, such allegations can be utilised not only as a weapon of abuse by disgruntled litigants but also waste valuable court time and resources in the process. We would imagine that, by their very nature, such allegations would be rare in the extreme. Should such proceedings arise before the court in the future and be found to be unmeritorious, there may be serious consequences.

60 Finally, coming to Prayer 5, there is no legal basis for a litigant to pray for any specific judge hear her case, and for good reason. Prayers 3 and 4 concern unfounded contentions for judges to be recused. Prayer 5 is a prayer for a specific judge to hear the OS. Both categories of requests are forms of "judge shopping", which "is not to be condoned as it is insidious, and undermines and weakens the administration of justice": see *Chee Siok Chin and another v Attorney-General* [2006] 4 SLR(R) 541 at [10].

---

[24] Transcript, OSB 3/2020, 25 January 2021 pp 11–12, at Yee Mei Sze Jennifer's 1st Affidavit pp 574–575.

Version No 1: 07 Oct 2022 (12:00 hrs)

AR's costs order

61 The AR ordered costs of $8,000 against Ms Ten, inclusive of disbursements. This was a reasonable order and I do not disturb it.

Conclusion on RA 351 of 2021

62 The nature of litigation is such that plaintiffs who lose their cases may find they disagree with a trial court's decision, and further down the road, the appellate court's decision. Rather than to ask another court to adjudicate the issue again, better closure may be found in accepting that the chosen forum for dispute resolution has a responsibility to be fair to all parties that come before it. As explained by Court of Appeal's decision in *Lim Geok Lin Andy v Yap Jin Meng Bryan and another appeal* [2017] 2 SLR 760 at [44]:

> It seems to us that the common thread linking the decisions relating to the doctrine of abuse of process is the *courts' concern with managing and preventing multiplicity of litigation so as to ensure that justice is achieved for all.* In our judgment, the rule in *Henderson* is applicable where some connection can be shown between the party seeking to relitigate the issue and the earlier proceeding where that essential issue was litigated, *which would make it unjust to allow that party to reopen the issue.*
>
> [original emphasis removed; emphasis added]

Version No 1: 07 Oct 2022 (12:00 hrs)

63 The appeal is dismissed. As agreed at the hearing, parties are to write in regarding their position on the costs of the RA and Summons 1658 of 2022 within 7 days of today.

Valerie Thean
Judge of the High Court

The appellant in person;
Charlene Wong Su-Yi and Tay Jia Yi Pesdy (Drew & Napier LLC)
for the respondent.

Version No 1: 07 Oct 2022 (12:00 hrs)