

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

[2023] SGHC 133

Admission of Advocates and Solicitors No 33 of 2022
(Summonses Nos 1182, 1187 and 1345 of 2023)

In the matter of Section 12 of the Legal Profession Act 1966

And

In the matter of Rule 25 of the Legal Profession (Admission) Rules 2011

And

In the matter of Rajagopal Muralitharan

FOUNDATIONS OF DECISION

[Legal Profession — Admission]

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Re Rajagopal Muralitharan

[2023] SGHC 133

General Division of the High Court — Admission of Advocates and Solicitors
No 33 of 2022 (Summonses Nos 1182, 1187 and 1345 of 2023)

Choo Han Teck J

8 May 2023

9 May 2023

Choo Han Teck J:

1 The applicant, Mr Rajagopal Muralitharan sat for the Part B examinations in 2021 as required for admission to the Bar. He filed HC/AAS 33/2022 on 11 February 2022 for admission to the Bar in expectation of passing Part B. But he failed. He had to retake the examination in 2022. This time he passed, and so, on 19 April 2023, he filed his affidavit in support of his application for admission as an advocate and solicitor. The applicant wishes to be admitted on 10 May 2023, the date of the Monthly Call for the month of May. He was informed, however, that he filed his affidavit of admission one day late, as the deadline for the Monthly May Call being was 18 April 2023. Thus, the applicant filed HC/SUM 1182/2023 for an abridgement of one day to submit his affidavit within time.

2 However, on 22 April 2023, the applicant was informed by the Registry of the Supreme Court, that his originating summons had expired on 11 February 2023, more than a year after it was filed. The applicant was subsequently

advised by the Law Society of Singapore on 5 May 2023 to seek a reinstatement of the originating summons pursuant to O 21 r 2(8) of the Rules of Court (Cap. 322, R 5, 2014 Rev Ed) (“ROC 2014”). Acting upon the Law Society’s advice, the applicant filed HC/SUM 1345/2023.

3 At the hearing before me, there were no objections to his summons for reinstatement by the relevant parties, the Singapore Institute of Legal Education (“SILE”), the Law Society of Singapore and the Attorney-General. As for the applicant’s summons for abridgement of time, there were no objections from the SILE and the Law Society of Singapore, but the Attorney-General objected. After hearing the reasons for the Attorney-General’s objection and the applicant’s explanation in response, I allowed the applicant’s application.

4 The summons for reinstatement was made under O 21 r 2(8) of the ROC 2014, which provides:

(8) Where an action, a cause or a matter has been discontinued under paragraph (5) or (6), the Court may, on application, reinstate the action, cause or matter, and allow it to proceed on such terms as it thinks just.

5 The discontinuance of the originating summons was due to the lack of any step or proceeding in the action under O 21 r 2(6) of the ROC 2014. However, as the applicant had failed to fulfil his Part B examination requirements in 2021, there was nothing he could have done in furtherance of his action. Thus, the lack of any step in the action, was not due to indolence but impossibility. The correct procedure, however, was to apply for an extension of time for the originating summons under O 21 r 2(6B) of the ROC 2014 while it remained valid. This, the applicant did not do. He explained that he did a cause book search at the LawNet Service Bureau and the status of the search showed that his originating summons was “*Pending*”. This gave him the impression that

the Originating Summons had not expired and he proceeded to file and serve the affidavit for admission accordingly.

6 The explanation is a weak one for a person seeking to be admitted as an advocate and solicitor who has a constant and abiding duty to be careful and meticulous, especially when it involves deadlines and punctuality. The applicant must learn a lesson from this. An advocate and solicitor must live by the rules — or perish by them.

7 There being no other impediment save the moment of carelessness, and there being no objections from relevant parties, and sensing that he has learnt his lesson, in exercise of my discretion, I allowed the originating summons to be reinstated, trusting that he will pay closer attention to the rules when in practice.

8 The second issue was the abridgement of time for the applicant to be called to the bar on 10 May 2023. The deadline for the filing of the affidavit in support of admission, which the applicant does not dispute, was 18 April 2023. The applicant acknowledges that this was a mistake on his part. He says that it was an honest mistake involving his miscalculation of 21 intervening days required for the affidavit to be filed before the date of call. He says that he wishes to be called in May so as to gain employment at a law firm as soon as possible, but miscalculated by a day. State counsel, Mr Clement Lim, raised an objection. Mr Lim says that the reasons the applicant gave were not good reasons for the abridgement of time. Mr Lim defines a “good reason” as one which is unforeseen, such as bereavement of a loved one. That may well be an acceptable reason. But if he has learnt his lesson and always remember how close he came to messing up his own application, then the charity shown to him

will have been justified. I think that the applicant will make a better advocate and solicitor after this.

9 For the foregoing reasons, I allowed the summons for the reinstatement of the originating summons and the abridgement of time. No order was required for the summons for extension of time.

- Sgd -
Choo Han Teck
Judge of the High Court

Applicant in person;
Clement Lim (Attorney-General's Chambers) for the Attorney-
General;
Naomi Ho for the Law Society of Singapore;
Avery Chong for the Singapore Institute of Legal Education.
