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1. This Grounds of Decision DOES NOT need redaction.
2. Redaction HAS NOT been done.

DISTRICT JUDGE JONATHAN NG PANG ERN
18 NOVEMBER 2026

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGDC 363

District Court Originating Claim No 1612 of 2025

Between

YVONNE CHEN QIANYUN

… *Claimant(s)*

And

TAN TENG KIAT

… *Defendant(s)*

GROUNDS OF DECISION

[Tort — Negligence — Breach of duty]

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Chen Qianyun Yvonne
v
Tan Teng Kiat

[2026] SGDC 363

District Court Originating Claim No 1612 of 2025
District Judge Jonathan Ng Pang Ern
29 September 2026

18 November 2026

District Judge Jonathan Ng Pang Ern:

1 This was a trial that arose because a chicken crossed the road.

2 The Claimant was a passenger in the Defendant's vehicle. When a chicken encroached into the path of the vehicle in front of the Defendant's vehicle, the Defendant applied his brakes to avoid a collision. The Claimant claimed that this caused her to suffer personal injuries and brought this action in the tort of negligence.

3 But the law does not impose liability for the vicissitudes of life. Having considered the evidence and the parties' submissions, I took the view that the Defendant did not breach the standard of care required of him and dismissed the Claimant's claim. Dissatisfied, the Claimant has filed an appeal to the General Division of the High Court. These, therefore, are the grounds of my decision.

Background

4 This action found its genesis in an incident that occurred on 19 February 2024.[1] At the material time, the Claimant was a fare-paying passenger in the Defendant's private hire vehicle.[2] As the Defendant's vehicle was travelling down Holland Road, an animal encroached into the path of the vehicle in front of the Defendant's vehicle.[3] The animal was identified by the Claimant as a jungle fowl[4] and by the Defendant as a rooster;[5] for ease of reference, I will refer to it as a chicken. The parties also diverged somewhat over how the chicken encroached into the path of the vehicle in front: the Claimant's evidence was that the chicken was "on the road",[6] while the Defendant's evidence was that the chicken "flew across".[7] However, this divergence was immaterial. What was material (and undisputed) was that the chicken's act of crossing the road caused the vehicle in front to brake.[8]

5 To avoid a collision, the Defendant similarly applied his brakes. The Claimant claimed that this caused her to suffer personal injuries and brought this action in the tort of negligence.[9] The Claimant's primary case was that the Defendant failed to keep an adequate following distance. This, in turn, caused

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1 Affidavit of Evidence-in-Chief of Yvonne Chen Qianyun at para 5; Affidavit of Evidence-in-Chief of Tan Teng Kiat at para 3.

2 Affidavit of Evidence-in-Chief of Tan Teng Kiat at para 4.

3 Affidavit of Evidence-in-Chief of Yvonne Chen Qianyun at para 8; Affidavit of Evidence-in-Chief of Tan Teng Kiat at para 4.

4 Affidavit of Evidence-in-Chief of Yvonne Chen Qianyun at para 8.

5 Affidavit of Evidence-in-Chief of Tan Teng Kiat at para 4.

6 Affidavit of Evidence-in-Chief of Yvonne Chen Qianyun at para 8.

7 Affidavit of Evidence-in-Chief of Tan Teng Kiat at para 4.

8 Affidavit of Evidence-in-Chief of Yvonne Chen Qianyun at para 6; Affidavit of Evidence-in-Chief of Tan Teng Kiat at para 4.

9 Statement of Claim at para 4.

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the Defendant to execute an "abrupt and forceful stop" to avoid a collision.[10] In the alternative, the Claimant claimed that the force and manner of the Defendant's braking exceeded what was reasonably necessary to avoid a collision.[11] As I understood it, the Claimant's position was that in either case, the Defendant had breached the standard of care required of him.[12]

6 On his part, the Defendant did not dispute that he owed a duty of care to the Claimant.[13] However, his case was that, given his speed and his distance from the vehicle in front, he had sufficient distance and time to brake and therefore only needed to apply a "normal" brake (and not an emergency or hard brake).[14] Accordingly, his position was that he did not breach the standard of care required of him.

7 I mention two further points which were tangential but which nevertheless formed part of the background to this action. First, the Defendant gave evidence (which the Claimant did not seriously dispute) that, right after the incident, the Claimant had asked him if he had noted the licence plate number of the vehicle in front as she wanted to bring a claim against its driver because her back pain had, apparently, immediately worsened. In fact, the Claimant even asked the Defendant to be her witness in this intended claim.[15] It seemed, however, that the Claimant subsequently changed her mind about who she should go after.

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10 Claimant's Opening Statement at paras 7 and 23-25.

11 Claimant's Opening Statement at paras 7 and 26-28.

12 Claimant's Opening Statement at para 6.

13 Defendant's Opening Statement at para 3; Certified Transcript at pp 94-95.

14 Affidavit of Evidence-in-Chief of Tan Teng Kiat at para 4.

15 Affidavit of Evidence-in-Chief of Tan Teng Kiat at para 4.

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8 Second, the Claimant had at least two other actions that were pending before the District Court. In District Court Originating Claim No 1611 of 2025, the Claimant brought a claim against the driver of a vehicle involved in an accident on 13 September 2022 with a private hire vehicle, in which she was a passenger. Consent interlocutory judgment was entered in the Claimant's favour on 6 October 2025. In District Court Originating Claim No 1614 of 2025, the Claimant brought a claim against the driver of a vehicle involved in an accident on 26 October 2024 with her husband's vehicle, in which she was a passenger. Consent interlocutory judgment was entered in the Claimant's favour on 1 October 2026 (*ie*, after the trial of the present action), but her husband, who was brought in as a third party, was to indemnify the defendant in that action for 10% of the damages. On 4 May 2026, a Deputy Registrar ordered that these two actions and the present action be informally consolidated in that, for the purposes of the assessment of damages proceedings, they were to be heard before the same Deputy Registrar at the same time, and the evidence adduced in each action would be deemed as having been adduced in the others.

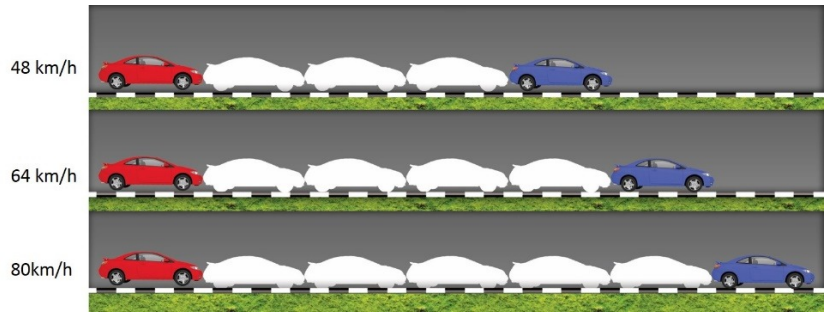
9 The action was bifurcated such that the trial before me was on the issue of responsibility for the incident only. Given the above background, there were two factual issues that arose for my determination: (a) whether the Defendant kept an adequate following distance from the vehicle in front; and (b) whether the Defendant applied an emergency or hard brake. In the remainder of these grounds of decision, I will set out my findings on these factual issues and

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thereafter relate them to the Claimant's primary and alternative cases (see [5] above).

Whether the Defendant kept an adequate following distance from the vehicle in front

10 The first issue was whether the Defendant kept an adequate following distance from the vehicle in front. The starting point of the analysis was r 67 of the Highway Code (1990 Rev Ed) ("Highway Code"), which provides as follows:

> ***Following Distances***
>
> **67.** To be able to adjust your speed so that you can stop within the space between you and the vehicle in front, you must allow at least one car length for every 16 km/h of your speed.
>
> 
>

11 The Defendant's evidence, in his affidavit of evidence-in-chief, was that he was travelling at about 50km/h and maintaining a distance of about 10m from the vehicle in front.[16] As for the Claimant, her evidence, in her affidavit of evidence-in-chief, was that while the Defendant was not speeding, he was "likely not keeping the safe following distance mandated by the Highway

16 Affidavit of Evidence-in-Chief of Tan Teng Kiat at para 4.

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Code".[17] At the trial, she claimed, for the first time, that the Defendant's vehicle was only about 4 to 5m behind the vehicle in front.[18]

12 Pursuant to r 67 of the Highway Code and the Defendant's own evidence as to his speed (*ie*, that he was travelling at about 50km/h), the Defendant ought to have kept a following distance of about three car lengths. The Highway Code does not provide any guidance on what a car length is. However, it seemed that the length of an average car is about 4 to 5m. Thus, even on the Defendant's evidence as to his following distance (*ie*, that he was maintaining a distance of about 10m from the vehicle in front), it seemed that the Defendant did not keep an adequate following distance from the vehicle in front.

13 However, it was undisputed that there was ultimately no collision between the Defendant's vehicle and the vehicle in front because the Defendant managed to brake in time to avoid a collision.[19] In my view, this was crucial because it suggested that both the Claimant and the Defendant underestimated the distance between the Defendant's vehicle and the vehicle in front, and that the Defendant did keep an adequate following distance. Alternatively, it suggested that the Defendant only fell short of the appropriate following distance very slightly. Nevertheless, I did not need to make a factual finding on this issue. As will become evident (see [18]-[22] below), it did not matter whether the Defendant kept an adequate following distance from the vehicle in front.

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17 Affidavit of Evidence-in-Chief of Yvonne Chen Qianyun at para 6.

18 Certified Transcript at p 6.

19 Defence at para 2; Claimant's Opening Statement at para 4.

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Whether the Defendant applied an emergency or hard brake

14 The next issue was whether the Defendant applied an emergency or hard brake. As mentioned earlier (see [5]-[6] above), the Claimant's position was that the Defendant had executed an "abrupt and forceful stop", while the Defendant's position was that he only needed to apply a "normal" brake (and not an emergency or hard brake).

15 Having regard to the overall sequence of events, I had some doubts over the Defendant's position. The Claimant's evidence, in her affidavit of evidence-in-chief, was that everything "happened in a split-second and [she] was left with no time to anticipate or brace for impact".[20] At the trial, she further testified that she saw the vehicle in front brake "suddenly"[21] and that "[e]verything happened so quickly".[22] Consistently with this, the Defendant accepted that the chicken flew across the vehicle in front "suddenly", and that the vehicle in front would have braked a split second after the chicken appeared.[23] In my assessment, the evidence indicated that the events in question – from the appearance of the chicken to the application of brakes by the vehicle in front and the Defendant's vehicle – all happened very quickly.

16 In these circumstances, it seemed to me unlikely that the vehicle in front and the Defendant's vehicle would have had the luxury of time to brake "normally". This was reinforced by the Claimant's contemporaneous reaction to the incident. As mentioned earlier (see [7] above), the Claimant had intimated to the Defendant right after the incident that she wanted to bring a claim against

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20 Affidavit of Evidence-in-Chief of Yvonne Chen Qianyun at para 7.

21 Certified Transcript at p 24.

22 Certified Transcript at p 26.

23 Certified Transcript at pp 66-67.

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the driver of the vehicle in front. In my view, if the vehicle in front and the Defendant's vehicle had braked as gently or as "normally" as the Defendant claimed they did,[24] this would not have prompted such a reaction on the Claimant's part. Accordingly, I found that it was more likely than not that the Defendant applied an emergency or hard brake.

Relating the factual findings to the Claimant's primary and alternative cases

17 Having found that the Defendant applied an emergency or hard brake, I now relate this factual finding to the Claimant's primary and alternative cases. To recapitulate: (a) the Claimant's primary case was based on how the Defendant had to execute an "abrupt and forceful stop" to avoid a collision because he failed to keep an adequate following distance; and (b) the Claimant's alternative case was based on how the force and manner of the Defendant's braking exceeded what was reasonably necessary to avoid a collision (see [5] above).

18 I deal first with the Claimant's primary case. As mentioned earlier (see [13] above), I did not need to make a factual finding on whether the Defendant kept an adequate following distance from the vehicle in front. This was because regardless of whether the Defendant kept an adequate following distance from the vehicle in front, the Claimant's primary case would not have been established.

19 If the Defendant did keep an adequate following distance from the vehicle in front, the Claimant's primary case fell away. This was because the Claimant's primary case was based on how the Defendant had to execute an

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[24] Affidavit of Evidence-in-Chief of Tan Teng Kiat at para 4.

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"abrupt and forceful stop" to avoid a collision *because* he failed to keep an adequate following distance.

20 On the other hand, if the Defendant did not keep an adequate following distance from the vehicle in front, this was not material given the facts of the present case. The Claimant's primary case assumed that a driver keeping an adequate following distance under r 67 of the Highway Code would be able to brake "normally". However, r 67 of the Highway Code did not provide any basis for this assumption. At the same time, the following distances under r 67 of the Highway Code seemed rather short. In my view, it was more likely that r 67 of the Highway Code contemplated that the following vehicle *would* apply an emergency or hard brake (and, if it did so while keeping an adequate following distance, it should be able to avoid a collision). On this view, the fact that the Defendant did not keep an adequate following distance had no bearing on his need to apply an emergency or hard brake.

21 But the analysis could be taken yet a step further. Quite apart from the points made at [19]-[20] above, it would have been wholly unrealistic to expect the Defendant to have applied a "normal" brake in view of the suddenness with which the sequence of events unfolded (see [15] above). In my view, the Defendant would have had to apply an emergency or hard brake *regardless* of whether he kept an adequate following distance from the vehicle in front or, at the very least, it would have been reasonable for him to have done so. It was fanciful to suggest that, when confronted with all that was unfolding before him, the Defendant should have applied a "normal" brake to come to a gentle stop. Indeed, in the course of cross-examination, the Claimant accepted (fairly, in my view) that when a vehicle in front executes a "jam" brake, it is a normal and

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natural reaction for the vehicle behind to do the same.[25] Put simply, there was really nothing more the Defendant could have been expected to do in the circumstances that confronted him.

22 As for the Claimant's alternative case, it followed from what I have mentioned at [21] above that the force and manner of the Defendant's braking did not exceed what was reasonably necessary to avoid a collision.

23 Accordingly, I did not think that the Claimant's primary or alternative case established that the Defendant had breached the standard of care required of him. Instead, I took the view that the present case was analogous to Scenario 1 of Chapter 4 of Laura Lau *et al*, *Motor Accident Guide* (Mighty Minds Publishing Pte Ltd, 2nd Ed, 2016). This scenario covers a situation where a driver of a public transport vehicle suddenly brakes to avoid hitting an animal that runs across the vehicle's path of travel. The driver is 0% responsible if he can give a reasonable explanation for the sudden braking. This is because "[a]n ordinary, reasonable and careful driver may be expected to brake suddenly when faced with such an emergency". This was precisely the case here.

Conclusion

24 For all of the above reasons, I was of the view that the Defendant was not responsible for the incident and dismissed the Claimant's claim. I also ordered the Claimant to pay the Defendant the costs of the action fixed at $15,000 plus any applicable goods and services tax plus reasonable disbursements to be fixed by me if not agreed.

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[25] Certified Transcript at pp 41-42.

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25 In the final analysis, I was cognisant that the Claimant was an innocent passenger who was injured (at least on her case, since the issue of causation was not before me in this trial) in an incident over which she had absolutely no control. However, the law does not seek out a tortfeasor for every loss that is suffered. In an imperfect world, some losses must lie where they fall. This incident, caused as it was by a chicken crossing the road, was unfortunately, but also undoubtedly, part of the vicissitudes of life.

Jonathan Ng Pang Ern
District Judge

Raj Singh Shergill and Koh Jia Min Desiree (Lee Shergill LLP) for the Claimant;
Tay Boon Chong Willy (Willy Tay's Chambers) for the Defendant.

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