



Overview of the Singapore Civil Legal System

A. Initiation of Civil Proceeding

In most instances, civil proceedings may be begun by writ or by originating summons. A writ must be used where a substantial dispute of fact is likely to arise and in all other instances, an originating summons is used.

B. Jurisdiction

The value of your pecuniary claim will determine which court your proceedings will be commenced in.

The pecuniary limit the respective courts are as follows:

Magistrate Court – up to S\$60,000

District Court – up to S\$250,000

High Court – claims beyond S\$250,000

C. Some Matters to Consider Before Commencement of an Action

i) Time Barred

An action must be commenced within the applicable limitation period.

Subject to fraud committed by the defendant, actions in contract and torts have a limitation period of 6 years, personal injury have a limitation period of 3 years and actions to recover land and execute a judgment have a limitation period of 12 years.

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(ii) Amicable Resolution

Parties may also wish to consider whether an amicable solution may be reached to avoid the cost of litigation all together.

(iii) Appropriate Forum

Procedurally, to commence an action in the Singapore courts, it must be demonstrated that Singapore courts is an appropriate forum.

(iv) Counterparty Risk

Lastly, parties may wish to consider the ability of the other party to meet any judgment against them (i.e. counterparty/credit risk).

D. Interlocutory Applications

Proceedings may be disposed of without a need for trial for various reasons:

i) If a defendant fails to enter an appearance or having entered an appearance, fails to file a defence within the applicable time, the plaintiff may enter judgment against the defaulting party.

(ii) Even if the defendant has entered an appearance and filed a defence, the plaintiff may for cases commenced in the District Courts and the High Court apply to the court for summary judgment.

Judgment may be entered for the Plaintiff where the Plaintiff can show that there are no issues which necessitate a need for a trial.

Unless the court otherwise orders, an application for summary judgment must be made 28 days after pleadings are deemed closed.

(iii) Pleadings (or part thereof) may also be struck out where it discloses no reasonable cause of action and/or is scandalous, frivolous or vexatious and/or tends to prejudice, embarrass or delay the fair trial of the action and/or is otherwise an abuse of process of the court.

E. Provisional Remedies

Where the need arises, it may be appropriate for a litigant to apply to court for an interlocutory application (i.e. before the final judgment) to prevent the opposing party from dissipating its assets (i.e. *mareva* injunction) and/or to prevent the destruction of evidence (i.e. Anton piller order).

F. Other Interlocutory Application

i) Discovery & Inspection

Parties to proceedings are required to give discovery of the documents relevant to the issues in the case which are in their possession, custody or power. Where one party has failed to provide the other party with proper discovery, the non-defaulting party may apply to the court for specific discovery of the relevant documents.

ii) Security for Cost

If you are a defendant in a suit and you have reason(s) to believe the Plaintiff will be unable pay the cost of the Plaintiff, you may apply to the court, who will have regard to all the circumstances of the case in deciding whether it will be just to order the Plaintiff to provide security for the cost of the action.

G. Set Down for Trial

After the close of pleadings, the Plaintiff should file a Summons for Directions to obtain formal

directions from the court for *inter alia* the filing, exchange of affidavit in chief and to fix trial dates.

H. Trial

The Plaintiff bears the burden of proving on balance, the question of law and facts which are necessary for its case. The Plaintiff's solicitors will open the case followed by an examination in chief ("EIC") of the Plaintiff's witness(es) and the Defendant's solicitors will cross-examine the Plaintiff's witness(es).

Thereafter, the Defendant's solicitors will proceed with their case and the EIC of their witness(es) and similarly, the Plaintiff's solicitors will proceed to cross-examine the Defendant's witness(es).

I. Enforcement of Judgment

A judgment may be enforced via a garnishee proceeding, writ of execution (including writ of seizure of movable and immovable property).

A party who obtains a foreign judgment in a foreign country may enforce the relevant order in the courts of Singapore.

J. Cost

Generally, Party and Party's Cost is awarded to the successful litigant under the 'costs follow the event' principle. Do note however, that an order for cost is entirely at the court's discretionary.

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various legal jargon, technicalities and court procedures.

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