Chua Thong Jiang Andrew *v* Yue Wai Mun and another
[2015] SGHC 168

Case Number : Suit No 893 of 2012

Decision Date : 29 June 2015

Tribunal/Court : High Court

Coram : Woo Bih Li J

Counsel Name(s) : Ramasamy Chettiar (Acies Law Corporation), Evelyn Tham, Chua Lynn Ern, Alvin Mun, Edwin Chua, Lawrence Chua and Yek Nai Hui (Lawrence Chua & Partners) for the Plaintiff; Lek Siang Pheng, Mar Seow Hwei and Andrea Gan (Rodyk & Davidson LLP) for the first Defendant; Kuah Boon Theng, Alicia Zhuang and Felicia Chain (Legal Clinic LLC) for the second Defendant.

Parties : Chua Thong Jiang Andrew — Yue Wai Mun and another

Tort – Negligence – Breach of duty

29 June 2015

Woo Bih Li J:

Introduction

1 I will use the same definitions as in my judgment dated 4 May 2015.

Reasons for suing Dr Yue and SGHPL

2 Andrew has given two reasons for suing both Dr Yue and SGHPL as follows:

(a) judgment may not be satisfied; and

(b) higher chance of negotiating a settlement.

3 The elaboration of the first reason was that Dr Yue's insurers might have repudiated liability. Therefore, the fallback was on the hospital which would have a deeper pocket irrespective of whether the hospital was insured. However, this reason does not address the point that it would have sufficed for Andrew to continue with his claim against SGHPL only since SGHPL did not deny that it was vicariously liable for any negligence of Dr Yue.

4 The second reason was based on an observation in the English case of *Wright v Cambridge Medical Group (a partnership)* [2012] 3 WLR 1124. In that case, the claim was against a partnership of medical practitioners and the hospital was not joined as a party. Andrew submitted that Lord Neuberger of Abbotsbury had suggested that the hospital should have been joined as a party in the proceedings as there was a risk of inconsistent findings if the defendants were to eventually make a claim for contribution against the hospital. Also, there might have been a better chance of a negotiated settlement (of the plaintiff's claim) if the hospital had been joined as a party.

5 In my view, one must bear in mind that in that case, the medical practitioners were not the hospital's employees. Indeed their defence was that it was the hospital's subsequent treatment of the

plaintiff that was negligent and that was causative of the plaintiff's injury. That difference is important as that case does not suggest that action should be commenced against both a medical practitioner and a hospital when the hospital is accepting liability for the conduct of the medical practitioner.