

Orchard Central Pte Ltd v Cupid Jewels Pte Ltd and another (Forever Jewels Pte Ltd, non-party)
[2010] SGHC 295

Case Number : Originating Summons No 813 of 2010 (Summons Nos 3835 of 2010 and 3916 of 2010)
Decision Date : 08 October 2010
Tribunal/Court : High Court
Coram : Lee Seiu Kin J
Counsel Name(s) : Ling Tien Wah (Rodyk & Davidson LLP) for the plaintiff; David Nayar (David Nayar & Vardan) for the defendant; Suresh s/o Damodara (Damodara, Hazra, K Sureshan LLP) for the non-party.
Parties : Orchard Central Pte Ltd — Cupid Jewels Pte Ltd and another (Forever Jewels Pte Ltd, non-party)

Personal Property

[LawNet Editorial Note: The appeal to this decision in Civil Appeal No 182 of 2010 was partially allowed by the Court of Appeal on 28 February 2011. See [\[2011\] SGCA 15.](#)]

8 October 2010

Lee Seiu Kin J:

1 The defendant operated a jewellery shop on premises tenanted from the plaintiff. The defendant had failed to pay rent and the plaintiff obtained a writ of distress and seized movable property in the premises. In relation to 576 pieces of jewellery that were seized, the defendant claimed that a third party, Forever Jewels Pte Ltd ("the Non-Party") were the true owner. The defendant had obtained the jewellery on consignment from the Non-Party for sale in the premises. In Summons No 3916 of 2010 ("Sum 3916/2010"), the Non-Party applied for the jewellery to be released to them. As there were disputes of fact, I ordered cross-examination on the affidavits on a date to be fixed.

2 Curiously, the defendant applied in Summons No 3835 of 2010 ("Sum 3835/2010") for the release of the jewellery to them, even though on their own case, the defendant were not the owner of the jewellery. I had given the necessary directions in Sum 3916/2010 for the hearing to determine the Non-Party's claim to the jewellery. However in Sum 3835/2010, the defendant claimed to be entitled to an order for the jewellery be released to them based on an argument which I would, out of respect, describe as beyond my comprehension. I did not see how the defendant could be entitled to that prayer in Sum 3835/2010 and accordingly dismissed it. The defendant, not being satisfied with my dismissal of their application in Sum 3835/2010, have filed an appeal.

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