

The Stansfield Group Pte Ltd (trading as Stansfield College) and another v Acies Law Corp
[2010] SGHC 296

Case Number : Originating Summons No 612 of 2010
Decision Date : 08 October 2010
Tribunal/Court : High Court
Coram : Choo Han Teck J
Counsel Name(s) : Shanmugam Manohar and Nedumaran Muthukrishnan (K Krishna & Partners) for the plaintiffs; D K Rai and Navin Kripalani (Acies Law Corporation) for the defendant.
Parties : The Stansfield Group Pte Ltd (trading as Stansfield College) and another — Acies Law Corp

Civil Procedure

Legal Profession

8 October 2010

Judgment reserved.

Choo Han Teck J:

1 This was an application by the plaintiffs against their former solicitors (the defendant) to have two of the latter's bills of costs taxed. The two bills were rendered on 24 October 2008 and 31 March 2009 respectively and had been paid. The third bill rendered on 13 October 2009 was partially paid, and the fourth bill rendered on 20 November 2009 has not been paid. The plaintiffs complain that the total costs of the four bills combined were excessive and amounted to gross over-charging by the defendant.

2 Counsel for the defendant pointed out that the plaintiffs' application must be dismissed as against the first two bills because they were rendered more than 12 months prior to this application. Section 122 of the Legal Professional Act (Cap 161) provides that

After the expiration of 12 months from the delivery of a bill of costs, or after payment of the bill, no order shall be made for taxation of a solicitor's bill of costs, except upon notice to the solicitor and under special circumstances to be proved to the satisfaction of the court.

3 Neither Mr Nedumaran, counsel for the plaintiffs, nor the plaintiffs could show any special circumstances why the first two bills should now be taxed other than their assertion that the defendant had an agreement with the plaintiffs that the total bill would be \$300,000 and thus the four bills must be considered as a series of a single bill. That being the case, counsel submitted, the 12 months limitation did not run until the last bill had been rendered. Unfortunately, the documents including the exchange of email do not show that there was such an agreement. I am inclined to agree with Mr Rai that the defendant had only given an estimate of the costs of what transpired to be a lengthy and complicated litigation involving the plaintiffs in Suit 743 of 2007. Mr Nedumaran submitted that although there was no agreement in writing, the defendant had not denied that there was such an agreement. However, from the affidavit of Mr Rai and his submissions before me, I accept that the defendant did not accept that there was any agreement on costs. Hence, in the absence of sufficient proof, I am of the view that no special circumstances justifying an order for the

taxation of the first two bills had been made out. The plaintiffs are, however, entitled to have the third and fourth bills taxed.

4 The plaintiffs' application is therefore dismissed with costs to be taxed if not agreed.

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