

Ong Tean Hoe v Hong Kong Industrial Company Private Limited
[2002] SGHC 189

Case Number : Suit 1102/2000, BC No 600412/2001
Decision Date : 24 August 2002
Tribunal/Court : High Court
Coram : Thian Yee Sze AR
Counsel Name(s) : —
Parties : Ong Tean Hoe — Hong Kong Industrial Company Private Limited

Between

ONG TEAN HOE

... Plaintiff

And

HONG KONG INDUSTRIAL COMPANY PRIVATE LIMITED

... Defendants

Citation: Suit No 1102 of 2000; BC No 600412 of 2001

Jurisdiction: Singapore

Date: 2002:08:24

Court: High Court

Coram: Thian Yee Sze, AR

Counsel:

Fabian Jee (*Karuppan Chettiar & Partners*) for the plaintiff

Dilip Kumar (*Yu & Co*) for the defendant

Judgment

GROUND OF DECISION ON REVIEW OF TAXATION

This was a review of taxation of a 'party and party' Bill of Costs arising from a judgment dated 7 August 2001, in which costs of this action, including the assessment, were ordered to be agreed or taxed and to be paid by the defendants to the plaintiff. The Bill came up for taxation before me and for a review of taxation. Being dissatisfied with the review, the plaintiff has filed for a review of taxation before the Judge in Chambers. I shall now set out the grounds of my decision.

The facts

2 This was a claim for damages arising out of personal injuries suffered as a result of an industrial accident at her employer's (the defendants) premises. On 12 April 2000, the plaintiff was punching metal work pieces using a power press machine, when her hands were crushed against the tooling die by the ram of the machine. Both her hands had to be amputated.

3 The action was commenced in the District Court, but was later transferred to the High Court on 11 December 2000 by consent pursuant to section 38 of the Subordinate Courts Act (Cap 321). The trial was set down for one day with two witnesses for the plaintiff and six witnesses for the defendants. On the day of the trial, the parties came to a settlement and the defendants admitted liability for the accident on a 100% basis. Interlocutory judgment with damages to be assessed was recorded by the court. The assessment of damages before the assistant registrar took one and a half days, with one day for the taking of evidence from the witnesses, followed by half a day of arguments by counsel. The plaintiff was awarded a total of \$729,659.10 in damages.

The law with respect to taxation of costs

4 The procedure and rules with regard to taxation of costs is governed by Order 59 of the Rules of Court (Revised Edition 1997). The fundamental tenet on a taxation of costs is that of reasonableness, whether on a standard or indemnity basis.

5 Appendix 1 to Order 59 sets out the principles which the taxing Registrar should apply in awarding costs. Paragraph 1(1) states that the amount of costs allowed is in the discretion of the Registrar. However, in exercising this discretion, the Registrar is to have regard to all the relevant circumstances, and in particular, to the matters listed in paragraphs 1(2)(a) to (f).

6 In coming to my decision on the costs to be awarded for the Bill, I was guided by and applied the legal principles espoused above.

7 At the taxation hearing before me, the main argument put forth by the defendants' solicitors was that the action was a straightforward one which involved no complex issues of law or fact. The authorities relied on were similar to those used in numerous other cases of the same nature. The plaintiff's solicitor, on the other hand, submitted that the amount of \$85,000 sought in Section 1 was justifiable – first, quantification of the plaintiff's damages was difficult as the plaintiff could not decide whether to opt for hand transplantation or myo-electric hands. There were also no precedents which were directly on point, which necessitated much research into both local and English case law. In addition, much groundwork had been done for the trial and assessment.

8 The court noted that the present case, although not complicated in its facts, was unique in that it involved the amputation of both hands, for which there was no clear and direct case authority. I accepted that the plaintiff's solicitors had to carry out more detailed research before they could arrive at an appropriate figure of damages in this regard. Even though the case did not go on for the one-day trial, all the preparatory work towards the trial had already been completed. The plaintiff's affidavit of evidence was 56 pages. The bundle of pleadings was 25 pages. The bundle of authorities was 77 pages. The 9-page opening statement was also prepared. For the getting-up work up to entering of the consent interlocutory judgment, I awarded \$14,000.

9 The hearing for the assessment of damages lasted one and a half days in total, including arguments by counsel. The plaintiff's counsel's opening statement was 21 pages. The defendant's counsel's opening statement was 43 pages. Four witnesses, including one expert medical witnesses, gave evidence. I awarded \$26,000 for the work done in respect of the assessment of damages. In total, I awarded \$40,000 for Section 1.

10 Both the plaintiff and the defendants filed reviews of taxation. At the hearing of the review of taxation, the arguments presented were essentially a re-hash of those put forth at the initial hearing for taxation. I found no reason to disturb my earlier findings. Hence, I dismissed both reviews.

Sgd:

THIAN YEE SZE

ASSISTANT REGISTRAR

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