

Ranjeet Kaur v Chiang Sung Chek and Another
[2002] SGHC 168

Case Number : M C Suit 605828/2000, RAS 600008/2002
Decision Date : 31 July 2002
Tribunal/Court : High Court
Coram : Woo Bih Li JC
Counsel Name(s) : Cosmas Gomez (Hoh & Partners) for the plaintiff; Paul Yap (Lawrence Chua & Partners) for the 1st defendant; Fazal Mohamed (B Rao & K S Rajah) for the 2nd defendant
Parties : Ranjeet Kaur — Chiang Sung Chek; Basaruddin bin Jumahat

JUDGMENT

GROUND OF DECISION

Background

1. The Plaintiff is one Ranjeet Kaur. Ms Kaur was the owner and driver of a vehicle and met with an accident which she said was caused by the First and 2nd Defendants, Chiang Sung Chek and Basaruddin Bin Jumahat, who were each driving another vehicle.
2. Ms Kaur commenced an action in the Magistrate's Court on 29 February 2000 against each of the two Defendants claiming damages for personal injury and loss.
3. Subsequently, interlocutory judgment was obtained by Ms Kaur on 17 September 2001 on the basis that liability was apportioned as between her and each of the two Defendants. The actual apportionment was not material to the appeal before me.
4. On 15 February 2002, Ms Kaur applied in the Magistrate's Court for her action to be transferred to the District Court on the same basis as that of the plaintiff in MC Suit No 12116 of 2000/N ('No 12116'). This application was dismissed. She then appealed to a District Judge. Before this appeal was heard by District Judge Ng Peng Hong, he had ruled against the transfer in respect of a similar appeal in No 12116. Accordingly, his ruling also applied to Ms Kaur's appeal.
5. Ms Kaur then appealed to the High Court and that appeal was heard by me on the same day as the appeal by the plaintiff in No 12116. Counsel for the parties in the present suit, i.e MC Suit No 605828 of 2000, agreed that the arguments were the same as in No 12116 but with an additional argument which I will deal with below. In so far as the arguments were the same, the parties agreed to be bound by my decision in No 12116.
6. I dismissed the appeal in No 12116 and I have since given by Grounds of Decision. Those Grounds will naturally apply as well to the appeal by Ms Kaur.
7. However, there was an additional argument by the Defendants in Ms Kaur's action i.e that because she had already obtained interlocutory judgment from the Magistrate's Court, she should not be allowed to transfer her action to the District Court.
8. I have recently ruled on this point in Originating Summons No 46 of 2002/W *Ricky Charles s/o Gabriel Thanabalan v Chua Boon Yeow*. Although that case involved s 38 of the Subordinate Courts Act (Cap 321)

and involved the question of a transfer from the District Court to the High Court, unlike the present case which involved s 53 and a transfer from the Magistrate's Court to the District Court, I was of the view that the Magistrate's Court also has no power under s 53 to transfer Ms Kaur's action from the Magistrate's Court to the District Court once interlocutory judgment had been entered in favour of Ms Kaur by the Magistrate's Court.

9. There was also no question of the Magistrate's Court exercising its discretionary power because none of the requirements in s 53 were met. Section 53 does not have the words 'or for any other sufficient reason' whereas s 38 does.

10. I should mention that my decision in the *Ricky Charles* case is the subject of an appeal to the Court of Appeal.

Sgd:

WOO BIH LI

JUDICIAL COMMISSIONER

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