JUDGMENT

4 . 1970

IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL No.31 of 1968

ON APPEAL FROM

THE FEDERAL COURT OF MALAYSIA HOLDEN AT SINGAPORE (APPELLATE JURISDICTION)

B E T W E E N :

CHUNG KHIAW BANK LIMITED — Appellants (Plaintiffs)

- and -

UNITED OVERSEAS BANK LIMITED — Respondents (Applicants)

(In the matter of an application by Summons in Chambers Entered No.2393 of 1967 in Originating Summons No.239 of 1966 in the High Court in Singapore at Singapore

Between: Chung Khiaw Bank Limited Plaintiffs

- and -

Tay Soo Tong trading as Tiong Bie Hang Defendant)

R E C O R D O F P R O C E E D I N G S

PARKER, GARRETT & CO.,
St. Michael's Rectory,
Cornhill,
London, E.C.3.

Solicitors for the Appellants

COWARD, CHANCE & CO.,
St. Swithin's House,
Walbrook,
London, E.C.4.

Solicitors for the Respondents

IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL No.31 of 1968

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Tay Soo Tong trading as Tion Bie Hang — Defendant)

RECORD OF PROCEEDINGS

INDEX OF REFERENCE

E X H I B I T S

DOCUMENTS TRANSMITTED WITH RECORD BUT NOT REPRODUCED

Description	Date
Notice of Motion for leave to Appeal to the Judicial Committee of the Privy Council	2nd August 1968
Affidavit of Lee Chin Looi in support of motion	31st July 1968

IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

No.31 of 1968

ON APPEAL FROM

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(In the matter of an application by Summons in Chambers Entered No.2393 of 1967 in Originating Summons No.239 of 1966 in the High Court in Singapore at Singapore

Between: Chung Khiaw Bank Limited Plaintiffs

- and -

Tay Soo Tong trading as Tiong Bie Hang Defendant)

RECORD OF PROCEEDINGS

No. 1

ORIGINATING SUMMONS NO. 239 of 1966

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

In the High Court of the Republic of Singapore

In the Matter of a deposit of title deeds to secure accounts current

- and -

In the Matter of Order 52 Rule 4(1) of the Rules of the High Court

No.1

Between: CHUNG KHIAW BANK LIMITED Plaintiff

- and -

TAY SOO TONG trading as TIONG BIE HANG Defendant

Originating Summons No.239 of 1966 22nd September 1966

LET ALL PARTIES concerned appear before the

In the High Court of the Republic of Singapore

No.1

Originating Summons No.239 of 1966
22nd September 1966

(contd)

Judge in Chambers on Monday the 14th day of November, 1966 at the hour of 10.30 o'clock in the forenoon on the hearing of an application on the part of the abovenamed Plaintiff for the following orders namely:-

(a) That by virtue of the deposit of title deeds by the Defendant of the properties set out in the First, Second, Third and Fourth Schedules hereto with the Plaintiff to secure the account current of the Defendant the Plaintiff may be declared to be a legal mortgagee of the said properties.

(b) That the Plaintiff may be at liberty to sell out of Court the said properties and that the Defendant join in the Conveyance or Conveyances by the Plaintiff of the said properties to the purchaser or purchasers thereof and that such conveyance or conveyances shall be a proper conveyance or conveyances thereof to vest in him or them all that the right title and interest of the Defendant and the Plaintiff in the said properties free and discharged from all interest of the Defendant and the Plaintiff therein and that the receipt or receipts of the Plaintiff shall be a good and sufficient discharge to the purchaser or purchasers of the said properties.

(c) That the nett proceeds of sale of the said properties may be paid to the Plaintiff in satisfaction or part satisfaction of the amount due and owing by the Defendant to the Plaintiff.

(d) That the costs of and incidental to this application and consequent thereon may be taxed as Between Solicitor and Client and added to the sum payable by the Defendant to the Plaintiff.

(e) Liberty to apply.

The First Schedule above referred to

(1) ALL THOSE seventeen (17) pieces of land situate in the District of Siglap in the

Island of Singapore estimated according to Government Resurvey to contain the respective areas of 1698 square feet, 1718 square feet, 1710 square feet, 1702 square feet, 1694 square feet, 1687 square feet, 1679 square feet, 2075 square feet, 2094 square feet, 1590 square feet, 1590 square feet, 1590 square feet, 1590 square feet, 1590 square feet, 1590 square feet, 1590 square feet, and 1590 square feet and marked on the Government Resurvey Map as Lots 136^{7}, 136^{8}, 136^{9}, 136^{10}, 136^{11}, 136^{12}, 136^{13}, 136^{14}, 136^{15}, 136^{16}, 136^{17}, 136^{18}, 136^{19}, 136^{20}, 136^{21}, 136^{22}, and 136^{23} respectively of Mukim XXVI which said pieces of lands form parts of the land comprised in Grant No.2.

TOGETHER with the houses erected thereon and known as Nos. 16/A/B, 14/A/B, 12/A/B, 10/A/B, 8/A/B, 6/A/B, 4/A/B, 2/A/B, 1/A/B, 3/A/B, 5/A/B, 7/A/B, 9/A/B, 11/A/B, 13/A/B, 15/A/B and 17/A/B Stangee Place, Singapore.

(2) ALL those seven (7) pieces of land situate in the District and Island aforesaid estimated according to Government Resurvey to contain the respective areas of 1904 square feet, 1904 square feet, 1904 square feet, 1905 square feet, 1905 square feet and 2504 square feet, and marked on the Government Resurvey Map as Lots 136^{25}, 136^{26}, 136^{27}, 136^{28}, 136^{30}, 136^{31} and 136^{32} respectively of Mukim XXVI which said pieces of lands form parts of the land comprised in the said Grant No.2. TOGETHER with the houses erected thereon and known as Nos.223/A/B, 225/A/B, 227/A/B, 229/A/B, 233/A/B, 235/A/B and 237/A/B East Coast Road Singapore.

(3) ALL those two (2) pieces of land situate in the District and Island aforesaid

In the High Court of the Republic of Singapore

No.1

Originating Summons No.239 of 1966

22nd September 1966

(contd)

estimated according to Government Resurvey to contain the respective areas of 2967 square feet and 4180 square feet and marked on the Government Resurvey Map as Lots 136-33 and 136-35 respectively of Mukim XXVI which said pieces of lands form parts of the land comprised in the said Grant No.2.

THE SECOND SCHEDULE ABOVE REFERRED TO

ALL those two (2) pieces of land situate in the District of Geylang in the Island of Singapore estimated according to Government Resurvey to contain the respective areas of 1980 square feet and 3778 square feet and marked on the Government Resurvey Map as Lots 219-13 and 219-20 respectively of Mukim XXVI which said pieces of lands form parts of the land and comprised in Grant No.28.

TOGETHER with the houses erected thereon and known as Nos.24 and 26 Guillemard Road, Singapore.

THE THIRD SCHEDULE ABOVE REFERRED TO

ALL that piece of land situate in the District of Geylang in the Island of Singapore estimated according to Government Resurvey to contain an area of 22.70 poles and marked on the Government Resurvey Map as Lot 200 of Mukim XXV which said piece of land forms part of the land comprised in Grant No.28.

TOGETHER with the houses erected thereon and known as Nos.33, 33A, 35 and 35A Lorong 12 Geyland Singapore.

THE FOURTH SCHEDULE ABOVE REFERRED TO

ALL that piece of land situate in the District of Singapore Town in the Island of Singapore estimated according to Government Resurvey to contain an area of 8,204 square feet and marked on the Government Resurvey Map as Lot 314 of Town Subdivision XII which said piece of land with the dimensions abuttals and

boundaries thereof is delineated and coloured pink on the plan drawn on Statutory Land Grant No.7802 dated the 22nd day of July 1897 and made in favour of Booy Nam Look.

TOGETHER with the houses erected thereon and known as Nos.130, 132, 134, 136,138 and 140 Waterloo Street, Singapore, and 154, 156 and 158 Middle Road, Singapore.

Dated this 22nd day of September, 1966

REGISTRAR

This Summons is taken out by Messrs. Richard Chuan Hoe Lim & Company of No.34A, Market Street, Singapore, Solicitors for the above-named Plaintiff.

NOTE: If the Defendant does not attend either in person or by his Solicitor at the place and time abovementioned (or at the place abovementioned in the indorsement herein) such order will be made and proceedings taken as the Judge may think just and expedient. Where entry of appearance is required, an appearance shall be entered within eight days from the date of service thereof.

To:- Tay Soo Tong trading as Tiong Bie Hang of No.62, Cecil Street, Singapore.

In the High Court of the Republic of Singapore

No.1

Originating Summons No.239 of 1966

22nd September 1966

(contd)

No. 2

ORDER ON ORIGINATING SUMMONS

BEFORE THE HONOURABLE MR. JUSTICE CHUA

IN CHAMBERS

UPON the application of the Plaintiff

No. 2

Order on Originating Summons 14th November 1966

In the High Court of the Republic of Singapore

No. 2

Order on Originating Summons 14th November 1966

(contd)

abovenamed made unto the Court this day Upon reading the affidavit of Lee Chin Looi affirmed and filed this 22nd day of September, 1966 and the affidavits of Phan Kah Min and S.P. Chan affirmed and filed herein the 10th day of November, 1966, respectively and the exhibits therein referred to And Upon hearing the Solicitors for the Plaintiff IT IS ORDERED that:-

(a) That by virtue of the deposit of title deeds by the Defendant of the properties set out in the First, Second, Third and Fourth Schedules hereto with the Plaintiff to secure the account current of the Defendant the Plaintiff be and is hereby declared to be a legal mortgagee of the said properties.

(b) That the Plaintiff may be at liberty to sell out of Court the said properties and that the Defendant join in the Conveyance or Conveyances by the Plaintiff of the said Properties to the purchaser or purchasers and that such Conveyance or Conveyances shall be a proper conveyance or conveyances thereof to vest in him or them all that the right title and interest of the Defendant and the Plaintiff in the said properties freed and discharged from all interest of the Defendant and the Plaintiff therein and that the receipt or receipts of the Plaintiff shall be a good and sufficient discharge to the purchaser or purchasers of the said properties.

(c) That the nett proceeds of sale of the said properties be paid to the Plaintiff in satisfaction or part satisfaction of the amount due and owing by the Defendant to the Plaintiff.

(d) That the costs of and incidental to this application and consequent thereon be taxed as between Solicitor and Client and added to the sum payable by the Defendant to the Plaintiff.

(e) Liberty to apply.

THE FIRST SCHEDULE ABOVE REFERRED TO

1. ALL those seventeen (17) pieces of land situate in the District of Siglap in the Island of Singapore estimated according to Government Resurvey to contain the respective areas of 1698 square feet, 1718 square feet, 1710 square feet, 1702 square feet, 1694 square feet, 1687 square feet, 1679 square feet, 2075 square feet, 2094 square feet, 1590 square feet, 1590 square feet, 1590 square feet, 1590 square feet, 1590 square feet, 1590 square feet, 1590 square feet, 1598 square feet, and numbered on the Government Resurvey Map as Lots 136^{7}, 136^{8}, 136^{9}, 136^{10}, 136^{11}, 136^{12}, 136^{13}, 136^{14}, 136^{15}, 136^{16}, 136^{17}, 136^{18}, 136^{19}, 136^{20}, 136^{21}, 136^{22} and 136^{23} respectively of Mukim XXVI which said pieces of lands form parts of the land comprised in Grant No.2 TOGETHER with the houses erected thereon and known as Nos.16/A/B, 14/A/B, 12/A/B, 10/A/B, 8/A/B, 6/A/B, 4/A/B, 2/A/B, 1/A/B, 3/A/B, 5/A/B, 7/A/B, 9/A/B, 11/A/B, 13/A/B, 15/A/B, and 17/A/B Stangee Place, Singapore.

2. ALL those seven (7) pieces of land situate in the District and Island aforesaid estimated according to Government Resurvey to contain the respective area of 1904 square feet, 1904 square feet, 1904 square feet, 1904 square feet, 1904 square feet, 1905 square feet, 1965 square feet and 2504 square feet and marked on the Government Resurvey Map Lots 136^{25} 136^{26} 136^{27} 136^{28} 136^{30} 136^{31} and 136^{32} respectively of Mukim XXVI which said pieces of lands form parts of the land comprised in the said Grant No.2 TOGETHER with the houses erected thereon and known as Nos.223/A/B, 225/A/B, 227/A/B, 229/A/B, 233/A/B, 235/A/B and 237/A/B West Coast Road, Singapore.

3. ALL those two (2) pieces of land situate in the District and Island aforesaid estimated according to Government Resurvey to contain the respective areas of 2967 square

In the High Court of the Republic of Singapore

No. 2

Order on Originating Summons 14th November 1966

(contd)

feet and 4180 square feet and marked on the Government Resurvey Map as Lots 136-33 and 136-35 respectively of Mukim XXVI which said pieces of lands form parts of the land comprised in the said Grant No.2.

THE SECOND SCHEDULE ABOVE REFERRED TO

ALL those two (2) pieces of land situate in the District of Geyland in the Island of Singapore estimated according to Government Resurvey to contain the respective area of 1980 square feet and 3778 square feet and marked on the Government Resurvey Map as Lots 219-13 and 219-20 respectively of Mukim XXV which said pieces of lands form parts of the land and comprised in Grant No.28. TOGETHER with the houses erected thereon and known as Nos.24 and 26 Guillemard Road, Singapore.

THE THIRD SCHEDULE ABOVE REFERRED TO

ALL that piece of land situate in the District of Geyland in the Island of Singapore estimated according to Government Resurvey to contain an area of 22.70 poles and marked on the Government Resurvey Map as Lot 220 of Mukim XXV which said piece of land forms part of the land comprised in Grant No.28. TOGETHER with the houses erected thereon and known as Nos.33, 33A, 35 and 35A Korong 12 Geyland, Singapore.

THE FOURTH SCHEDULE ABOVE REFERRED TO

ALL that piece of land situate in the District of Singapore Town in the Island of Singapore estimated according to Government Resurvey to contain an area of 8,204 square feet and marked on the Government Resurvey Map as Lot 314 of Town Subdivision XII which said piece of land with the dimensions abbutals and boundaries thereof is delineated and coloured pink on the plan drawn on Statutory Land Grant No.7802 dated the 22nd day of July 1897 and made in favour of Boey Nam Look. TOGETHER with the houses erected thereon and known as Nos. 130, 132, 134, 136, 138 and 140 Waterloo Street Singapore and 134, 156 and 158 Middle Road, Singapore.

Dated this 14th day of November, 1966.

Sd. Tay Kim Whatt DEPUTY REGISTRAR

In the High Court of the Republic of Singapore

No. 3

Summons in Chambers entered 2393 of 1967

NO. 3

SUMMONS IN CHAMBERS
entered 2393 of 1967

LET ALL PARTIES concerned appear before the Judge in Chambers on Friday the 3rd day of November 1967 at the hour of 10.30 o'clock in the forenoon on the hearing of an application on the part of United Overseas Bank Limited, the Applicant herein for the following orders, that is to say:-

(1) that a copy of this Summons in Chambers and copies of all affidavits in support thereof and copies of all exhibits to such affidavits be served on the Sheriff of Singapore

(2) that the Sheriff of Singapore be made a party to these proceedings between the Plaintiff and the said Applicant

(3) that the Order dated 14th November 1966 and made in this Originating Summons be set aside and

(4) that the Registrar of Deeds do rectify the Register of Deeds kept by him and cancel the entry made on the 23rd day of January 1967 in the said Register of the registration of the said Order of Court dated 14th November 1966 in this Originating Summons registered in Vol. 1635 No.77 and

(5) such further or other order that this Honourable Court may deem necessary to make and that the Applicant and the Sheriff be at liberty to apply and

(6) that all costs and expenses incidental and consequential to the order to be made herein incurred or to be incurred by the Sheriff and the said Applicant be provided for.

Dated this 25th day of October 1967

In the High Court of the Republic of Singapore

No. 3

Summons in Chambers entered 2393 of 1967 (contd)

Entered No.2393 of 1967 By Order

Sd. Edwin Sd. Tay Chin Chyo

Clerk Dy. Registrar

This Summons is taken out by Messrs. Chung & Co., Advocates & Solicitors of No.40 & D Chow House, Robinson Road, Singapore, Solicitors for the Applicant.

To: Messrs. R.C.H. Lim & Co., Solicitors for the Plaintiff, Singapore

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No. 4

Affidavit of Jack Tan 25th October 1967

NO. 4

AFFIDAVIT OF JACK TAN

I, JACK TAN of No.57 Siglap Plain, Singapore, make oath and say as follows:-

1. I am the Chief Clerk in the employ of Messrs. Chung & Co., Solicitors for the Plaintiff Bank.

2. On the 16th day of June 1966 United Overseas Bank Limited the Applicant herein obtained final judgment in suit No.2180 of 1965 against Tay Soo Tong the Defendant in that Suit (and in this Originating Summons) for the sum of $354,298.73 together with interest thereon from the 1st of October 1965 to the 20th of May 1966 in the sum of $23,968.58 and costs taxed at the sum of $714.00. The total sum owing up to the date of taxation was $378,981.31.

3. On the 25th day of October 1966 the Plaintiff as Judgment Creditor sued out a Writ of Seizure & Sale and an Order was obtained on the 27th of October 1966, attaching the interest of the Defendant, the Judgment Debtor in certain immoveable properties particulars of which are set out in the said Order. A copy of the said Order dated 27th October 1966 is annexed hereto and marked "J.T. No.3".

4. On the 24th day of November 1966 an Order was obtained by the Plaintiff declaring that the right title and interest to the immoveable properties set out in the Schedule to the said Order was in question and the Court further ordered that the declaration should be in force as a lis pendens for the period of 12 months from the date of the said Order. A copy of the said Order dated 24th November 1966 is annexed hereto and marked "J.T. No.4".

5. The said Order of Attachment was registered against the said properties at the Registry of Deeds, Singapore on the 28th October 1966 in Volume 1625 No.43 pursuant to Order 41 rule 1 (1) of the Rules of the High Court.

6. By an Order dated 22nd September 1967, the said Order of Attachment dated 27th October 1966 was renewed for a period of one year from the 22nd September 1967.

7. On the 14th day of November 1966 the Plaintiff herein, Chung Khiaw Bank Limited, obtained an Order, inter alia

(a) declaring the Plaintiff to be the legal mortgagee of the properties set out in the First, Second, Third and Fourth Schedules of the said Order (which properties are the said properties set out in the said Order of Attachment dated 27th October 1966) and

(b) giving liberty to the Plaintiff to sell those properties out of Court and

(c) directing the net proceeds of sale of those properties to be paid to the Plaintiff in satisfaction or part satisfaction of the amount due and owing by the Defendant to the Plaintiff. I crave leave to refer to the said order of the 14th November 1966 herein (hereinafter referred to as the "subsequent order").

8. The above Originating Summons was heard on the 14th November 1966; there was no affidavit or other evidence in writing in support of the said Originating Summons which

In the High Court of the Republic of Singapore

No. 4.

Affidavit of Jack Tan 25th October 1967

(contd)

mentions or refers to the said Order of Attachment dated 27th October 1966 attaching the said properties, although the said Order of Attachment was registered against the said properties on the 28th October 1966 in the said Registry of Deeds as aforesaid.

9. Neither the Sheriff who had already seised the said properties by then nor the Judgment Creditors, the Applicant herein, was served with the said Originating Summons herein nor were they informed of the application or of the hearing thereof.

10. On the 15th day of November 1966 Messrs. Chung & Co. wrote to the Sheriff of Singapore informing him that the Order of Attachment was presented for registration on the 28th October 1966. With that letter particulars of Conditions of Sale of the said properties attached by the Sheriff were sent to him for his approval pursuant to Order 41 rule 11 (B) of the Rules of the High Court. A copy of the said letter is annexed hereto and marked "J.T. No.5".

11. On the 23rd November 1966 Messrs. Chung & Co. wrote to the Registrar informing him that they were applying for a lis pendens under Order 47 Rule 21. A copy of the said letter is annexed hereto and marked "J.T. No.6".

12. On the 24th November 1966 Messrs. Chung & Co. wrote to the Sheriff again requesting him to proceed with the sale and to let them have an appointment to settle the conditions of sale. A copy of the said letter is annexed hereto and marked "J.T. No.7".

13. On the 13th December 1966 Messrs. Chung & Co. wrote to the Sheriff again requesting him to take steps to sell the properties mentioned. His attention was invited to Order 41 rule 8 of the Rules of the High Court. A copy of the said letter is annexed hereto and marked "J.T. No.8".

14. On the 20th December 1966 Messrs. Chung & Co. again wrote to the Sheriff requesting him to sell. A copy of the said letter is annexed

hereto and marked "J.T. No.9".

15. On the 21st December 1966 Messrs. Chung & Co. again wrote to the Sheriff informing him that they did not propose to wait indefinitely for any amendments by Messrs. R.C.H. Lim & Co. to their conditions of sale. A copy of the said letter is annexed hereto and marked "J.T. No.10".

16. On the 16th January 1967 Messrs. Chung & Co. wrote to the Sheriff in reply to his letter of the 23rd December 1966. A copy of the said letter is annexed hereto and marked "J.T. No.11".

17. On the 3rd February 1967 Messrs. Chung & Co. wrote to the Registrar requesting him to expedite his application to Court. A copy of the said letter is annexed hereto and marked "J.T. No.12".

18. On the 9th March 1967 Messrs Chung & Co. again wrote to the Registrar requesting him once more to sell the properties seized by him. A copy of the said letter is annexed hereto and marked "J.T. No.13".

19. On the 10th March 1967 the Sheriff replied stating that an application has been made by the Attorney General for directions. A copy of the said letter is annexed hereto and marked "J.T. No.14".

20. According to a search made by Messrs. Chung & Co. at the Registry of Deeds, Singapore the subsequent Order referred to in paragraph 7 was registered at the Registry of Deeds against the said properties on the 23rd January 1967 in Volume 1653 No.77.

21. On the 18th day of March 1967 the Sheriff applied in Summons in Chambers entered No.441 of 1967 in the said Suit No.2180 of 1965 for, inter alia, liberty to proceed with the sale of the said properties pursuant to the Writ of Seizure & Sale No.191/66 dated 25th October 1966. A copy of the Summons in Chambers is annexed hereto and marked "J.T. No.15".

In the High Court of the Republic of Singapore

No. 4

Affidavit of Jack Tan 25th October 1967

(contd)

22. The said Summons in Chambers was heard on the 29th day of May 1967 by the Honourable Mr. Justice Winslow who made no order on the application. Copies of proceedings and notes of evidence are annexed hereto and marked "J.T. No.16".

23. On the 10th day of June 1967 Messrs. Chung & Co. wrote to the Sheriff requesting him to let them have a written notice stating his reason for his inability or unwillingness to execute the Writ of Execution. A copy of this letter is annexed hereto and marked "J.T. No.17".

24. By letter dated 14th June 1967 the Sheriff stated that he was in no position to take any further action until the subsequent Order was expunged and the Order for lis pendens of the 24th November 1966 withdrawn. A copy of this letter is annexed hereto and marked "J.T. No.18".

25. On the 1st of June 1967 Messrs. Chung & Co. wrote to Messrs. R.C.H. Lim & Co. asking them whether the Plaintiff would agree to apply to court to set aside the subsequent Order and if so, when they intended to take steps to do so. A copy of this letter is annexed hereto and marked "J.T. No.19".

26. On the 6th day of June 1967 Messrs. R.C.H. Lim & Co. informed Messrs. Chung & Co. that their clients were taking a second opinion. A copy of this letter is annexed hereto and marked "J.T. No. 20".

27. On the 12th day of September 1967 Messrs. Chung & Co. again inquired from Messrs. R.C.H. Lim & Co. whether their clients would be prepared to apply to Court to set aside the subsequent order. A copy of this letter is annexed hereto and marked "J.T. No. 21".

28. On the 15th day of September 1967 Messrs. R.C.H. Lim & Co. stated that their clients were not prepared to apply to Court. A copy of this letter is annexed hereto and marked "J.T. No. 22".

SWORN to at Singapore this 25th day of October, 1967) Sd/- Jack Tan

Before me,

Sd/- Kwan Choon Foon

A Commissioner for Oaths.

In the High Court of the Republic of Singapore

No. 4 Affidavit of Jack Tan 25th October 1967 (contd)

NO. 5

No. 5

JUDGES NOTES OF ARGUMENT

Judges Notes of Argument 18th March 1968

Chung for applicants in S/C 2393 of 1967

Coram: Winslow, J.

See for plt. with Francis Tooh

Monday, 18th March, 1968

Chung:- To sst aside S/C 14 Nov. 66 which pl. obtd. ex parte.

See: I have preliminary objections.

Chung: Order for substituted service on Tay Soo Tong (dt.)

Applicant in Suit 2180/65 obtd. Writ of Seizure & Sale of ppties in those proceedings.

25 Oct. 66 Writ of Seizure & Sale

27 Oct. 66 Order of attachment with R. of Deeds.

Order registered 28 Oct. 66.

Present O.S. filed 22 Sep. 66.

Not heard till 14 Nov. 66.O/C 14

Nov. 66 Regd. 23 Jan. 67

Ask for service on Sheriff - prayers 1 & 2. He will if served today, appear tomorrow.

In the High Court of the Republic of Singapore

No. 5

Judges Notes of Argument 18th March 1968 (contd)

See: Preliminary objections as follows:-

O/C 14 Nov. 66 was not ex parte.

There was a dt. Tay Soo Tong. Appl. was served by substituted service.

Chang: It was not ex parte application. But the Order was ex parte made in the absence of dt.

See: It was an Order in default.
S/C 2393/67
Re Sin Teok Hong Oil Mills Ltd. (1950) M.L.J. 232
S/C must be in a pending cause or matter.
O.S.239/66 parties were pl. & dt.
What is position of applicant the United Overseas Bank Ltd. in relation to O.S. 239/66.
It was a total stranger - not a party.
If U.O.B. Ltd. intend to intervene leave of Ct. must be obtained as it has no locus standi.
Present S/C 2393/67 shd. have been served on dt. as he is a party.
Failure to serve dt. will make proceedings null and void.
O. 9 r. 14 Mallal p.73 "Shall be sufficiently served."

Craig v. Kanseen (1943) 1 A.E.R.108 113-B

2ndly Applicant has no locus standi
Mallal's Practice p.202 "Intervention etc."
p.335 O.28 r. 15

Chung: I am proceeding under O.28 r.15 but it is not only rule on which I rely.
O.53 r.4 p.862.

See continues: Mallal p.337 "Appl. by person not a party"
Jacques v. Harrison (1883-4) 12 Q.B.B.165
App. should apply for leave to intervene.

Employers' Liability Ltd. v. Sedgwick (1927) A.C. 95

3rdly Grounds for setting aside have not been set out in S/C 2393/67.
O.63 r.3 (p.1122 Mallal)

Petty v. Daniel (1887) 34 Ch.172 at 180.
O.53 r.4(1) p.862
Order 53 refers to orders made in Chambers & on interlocutory proceedings in Court.
S/C 14 Nov. 66 was made under O.52 r.4(1).
Applicant not by law required to be served with O.S.239/66.
Application should be dismissed.

Chung in reply to preliminary objections.

O.51 r.16 ex parte
Applicant is person affected by O/C of 14 Nov. 66.

Service. p.74. Mallal O.9 r.16. A copy of S/C has been filed in the Registry. There was substituted service by advt. No appearance entered.

p.337
O.16 r.11
p.140 Jacques (supra)
p.167/8

Grounds need not be set out. O.63 r.3 does not apply.
I ask Ct. to assume I have locus standi. Locus standi arises because applicant is a person injuriously affected. I am not asking for proceedings to be set aside. I only ask for O/C to be set aside.

See: O.63 r.3. Proceedings. Judgment.
Petty v. Daniel 34 Ch. D. 172
Pennington v. Cayley (1912) 2 Ch.236
Jacques v. Harrison p.167
Mallal p.202 p.337

In the High Court of the Republic of Singapore

No. 5

Judges Notes of Argument 18th March 1968

(contd)

Person not a party.
In Re Youngs 30 Ch. D.431
Jacques similar on facts to our case.
O.9 r.16 Filing in registry not service. Only applicable where personal service not requisite.
Dt. has not been served.
Craig's case p.112 G-H
O.51 r.6
O.S. 239/66 contemplated service on dt.
12.55 s.o. 2.30

Intld. A.V.W.

See continues:-

O.53 r.4 Ex parte order is order obtained on ex parte application.

O/C 14 Nov. 66 in default order - not ex parte order.
Where inter parties order can never be ex parte.
Person affected by order.
Byrne's Law Dictionary 1923 Vol.
ex parte primarily means it is by a person who has an interest in the proceedings.
Not ex parte if he has notice of application and chooses not to appear.
Wharton's Law Lexicon 14 Edn.
Proceedings in which one party proceeds in the absence of other.
Eng. O.54 r.5.
1967 (Eng.) O.32 r.5 now omits "ex parte"
Partington v. Reynolds (1857)

Chang: Interpretation of O.53 r.4
Jacques case 168
Judge who made Order of 14 Nov. 66 was not told of Order of Attachment already registered against the same properties.
O.41 r.7
Re grounds not being set out in S/C
O.63 r.1 shd. be read with r.3
1967 Annual Practice p.111
(O.13 r.9)
This was a regular judgment.

Therefore I don't have to set out the merits in the summons although they must be shown in affidavit.

4.05

Tuesday, 19th March, 1968 (Contd.)

Chung continues:

Prepared to accept a qualified order i.e. O/C 14 Nov. 1966 be varied that declaration & sale shd. be subject to my clients' rights as exec. cr.
Ppties are a million dollars.
P.757 O.51 r.10.
O.S. dt. should enter appearance.
I shd. like to distinguish Jacques case.
My client shd. have been served before the hearing.
No search was made in Registry of Deeds.
Failure to serve my clients vitiates order made, O.53 r.4.
In Jacques case there was a defence.
There was failure to give notice to defence.
O.41 r.7
Party interested shd. have been served.
O.28 r.15.
Jacques case is inapplicable - this present case is not default of defence.
I also rely on O.13 r.14 (to which Ct. has drawn attention)
O.41 r.1.
To wind up the O/C was made in the absence of the dt. We are persons affected.
Eng. O.16 r.7. What is "necessary party". Amen v. Raphael Tuck (1956) 1 Q.B. 380 (foot)
O.53 r.4 is purely Singapore rule & has no counterpart in England.

See: Jacques principles applies, see p.110 Annual Practice 1967.

In the High Court of the Republic of Singapore

"A person affected"

12.45 C.A.V. on preliminary objection.

Intld. A.V.W.

No. 5

Judges Notes of Argument 19th March 1968 (contd)

Wednesday, 20th March, 1968. (Contd).

Counsel as before.

Written Judgment delivered dismissing application.

Intld. A.V.W.

No. 6

Judgment of Winslow, J. 20th March 1968

NO. 6

JUDGMENT OF WINSLOW, J.

Coram: Winslow, J.

Persons who have observed the law in action in the Courts, particularly in strongly contested cases involving legal arguments between counsel, may be reminded of what they may have seen happening in a boxing ring, the principal difference being that instead of a referee who runs the risk of being buffeted and bruised by the contestants, there is a judge who is in a perhaps more fortunate position unless he chooses to descend into the arena, which, I understand, is not a very good thing. Persons who may have listened to the arguments during the last 2 days may have, at first, been impressed by the arguments of the counsel for the plaintiffs, and then subsequently been impressed by the arguments of

counsel for the applicants and so on. And perhaps they may have been left bewildered at the end of the case as to which way the decision would go. Fortunately, just as there are rules governing the conduct of a boxing match, or for that matter most other games, we in the Courts are also accustomed to apply certain well-defined rules, departure from which sometimes results in a knock-out blow for one side or the other when least expected.

It is against this background of a strong contest between counsel for the plaintiffs and the applicants to whose application preliminary objections were raised by Mr. David See for the plaintiffs that I have the difficult task of deciding in the light of the rules which apply whether the applicants have succeeded through their counsel in meeting the said objections successfully.

Very briefly, the applicants were the successful plaintiffs in Suit No.2180/65 which they brought against the defendant, Tay Soo Tong trading as Tiong Bie Hang in which they obtained a judgment for $378,267.31. They then took out a writ of seizure and sale and an order of attachment which was registered against certain properties said to be owned by the defendant on 27.10.66.

On 22.9.66, however, Originating Summons No.239/66 was taken out by the plaintiffs in the present case, Chung Khiaw Bank Ltd., against the same defendant, Tay Soo Tong trading as Tiong Bie Hang. That Originating Summons was not heard till 14.11.66 when an order was obtained in Chambers for a declaration that they were the legal mortgagees of the self-same properties alleged to be owned by the defendant with liberty to sell the same. That order was obtained in default of the appearance of the defendant against whom a previous order for substituted service had already been obtained.

The present Summons-in-Chambers No. 2393/67 has been brought by the applicants with a view to making the Sheriff of Singapore a party to these proceedings and to having the

In the High Court of the Republic of Singapore

No. 6

Judgment of Winslow, J. 20th March 1968 (contd)

order of Court of 14.11.66 made in the Originating Summons No.239/66 set aside and for other consequential orders.

This application was set down for hearing before me in open Court and 4 days were allotted for this purpose. It should be noted that the order of Court of 14.11.66 was made in Chambers by Chua J.

Mr. David See for the plaintiffs, Chung Khiaw Bank Ltd., raised preliminary objections to the application before me on various grounds which may be summarised as follows:-

(i) that the applicants were total strangers to the Originating Summons in question and accordingly were not parties to it and should therefore obtain the leave of the Court if they intended to intervene;

(ii) that the applicants have no locus standi in the matter at all and should apply for leave to intervene on the principles laid down in Jacques v. Harrison (1884) 12 L.R.Q.B.D. 165 as to the modes open by which a stranger to an action who is injuriously affected through any judgment suffered by a defendant by default can set a judgment aside;

(iii) that the grounds for setting aside the order of Court in question have not been set out in the summons itself as required by O.LXIII r.3.

Mr. Chung for the applicants in reply to these objections dealt with these objections but claimed that the Court should assume that the applicants had locus standi because they were persons injuriously affected. He also claimed that he was not attacking the order of Court in question for irregularity and that therefore the principles laid down in Jacques v. Harrison did not apply. Reliance was placed not only on O.XXVIII r.15 but also on O.LIII r.4(1). These rules read as follows:-

O.XXVIII r.15

"Any judgment by default, whether under this Order or under any other of these Rules, may be set aside by the Court or a Judge, upon such terms as to costs or otherwise as such Court or Judge may think fit, and where an action has been set down on motion for judgment under Rule 11 of this Order, such setting down may be dealt with by the Court or a Judge in the same way as if judgment by default had been signed when the case was set down".

O.LIII r.4(1)

"Any order made ex parte may be varied or set aside on application, by any person affected by it, to a Judge, on such terms as to costs or otherwise as to the Judge seem fit".

It should be observed that in the case of O.XXVIII r.15 Bowen L.J. in Jacques v. Harrison made it clear that a person who is injuriously affected by a judgment suffered by a defendant by default should either apply to have the judgment set aside after having obtained the defendant's permission to use his name or take out a summons in his own name, but in that case served on both the plaintiffs and the defendant, applying for leave to have the judgment set aside and to be allowed either to defend the action on such terms of indemnifying the defendant as the judge may consider right or at all events to be at liberty to intervene in the action.

Mr. Chung said that he was not claiming to set aside the order of Court on the grounds of any irregularity and that therefore he was not applying for leave to defend the action either in the name of the defendant or in the name of the applicants because that was not his intention at all. In short, he almost seemed to abandon any claim to be proceeding under O.XXVIII r.15.

He was more concerned with setting aside

In the High Court of the Republic of Singapore

No. 6

Judgment of Winslow, J. 20th March 1968

(contd)

the Order of Court under O.LIII r.4(1) on the grounds that the applicants were persons who had been affected by the order and had not been served as they should have been and that such failure vitiated the order made. He said that the order was an ex parte one even though the Originating Summons in which that order was made did not commence as an ex parte application. He referred to O.LI r.16 in relation to the hearing of Summonses in Chambers generally which provides that where any party, who has been duly served, fails to attend at the time appointed for the hearing, the Judge may proceed ex parte. I disagree with this contention that any order made on any Originating Summons served on the defendant, albeit by substituted service, to which he fails to enter an appearance must be regarded as an ex parte order within the meaning of O.LIII r.4(1). An order made in an Originating Summons to which a defendant or other respondent is required to enter an appearance which he fails to do is an order in default of appearance which is governed by O.XIII r.14 and I do not think that it can be regarded as an ex parte order under O.LIII r.4(1) merely because of the provisions of O.LI r.16.

It is interesting to observe that whereas O.LIII r.4(1) itself refers to variation or setting aside on an application by any person affected by it, the marginal note refers to applications by parties affected. Furthermore, in my view, the applicants are not persons affected by the order of Court concerned in the sense that they were necessary parties to it because they suffered no injury directly under it. All that has happened is that they are unable to attach the interest of the defendant in the immovable properties in question to satisfy the judgment they have obtained against him. There may be some other remedy available to them but not in the form in which this application has been made.

Finally, I would refer to O.XVI r.40 which may have some relevance. This rule reads as

follows:-

O.XVI r.40

"Wherever, in any action for the administration of the estate of a deceased person or the execution of the trusts of any deed or instrument, or for the partition or sale of any hereditaments, a judgment or an order has been pronounced or made -

(a) Under Order 15;

(b) Under Order 33;

(c) Affecting the rights or interests of persons not parties to the action

the Court or a Judge may direct that any persons interested in the estate or under the trust or in the hereditaments, shall be served with notice of the judgment or order; and after such notice such persons shall be bound by the proceedings, in the same manner as if they had originally been made parties, and shall be at liberty to attend the proceedings under the judgment or order. Any person so served may, within one month after such service, apply to the Court or Judge to discharge, vary, or add to the judgment or order".

It does not seem that this rule will be of much assistance having regard to the fact that persons who are not parties to the action whose rights or interests may be affected are limited to those set out in O.XVI 44.8, 29, 30, 31, 32, 33, 35, 42 and 43 according to the note on page 201 of Mallal's Supreme Court Practice (Volume I) into none of which categories the applicants fall.

I am therefore of the opinion that the preliminary objections to the application succeed. The application is therefore

In the High Court of the Republic of Singapore.

dismissed with costs.

(Sd.) A.V. Winslow

JUDGE

No. 6

Judgment of Winslow, J. 20th March 1968

SINGAPORE,

20th March, 1968

(contd)

No. 7

Order of Court 20th March 1968

NO. 7

ORDER OF COURT

BEFORE THE HONOURABLE MR. JUSTICE WINSLOW

IN OPEN COURT

Upon the adjourned application of the United Overseas Bank Limited made by way of Summons in Chambers entered No.2393 of 1967 coming on for hearing on the 18th and 19th March, 1968 in the presence of Mr. Kok Soon Chung of Counsel for the United Overseas Bank Limited and Mr. David Tar See of Counsel for Chung Khiaw Bank Limited Abd Upon reading the affidavit of Jack Tan sworn to and filed herein on the 25th day of October, 1967 and the exhibits therein referred to And Upon hearing Counsel aforesaid IT WAS ORDERED that the said application should stand for judgment, and the same coming on for judgment this day in the presence of Counsel aforesaid IT IS ADJUDGED that this application be and is hereby dismissed AND IT IS FURTHER ORDERED that the costs of and occasioned by this application be taxed as between Party and Party on the Higher Scale of Costs of Schedule "C" of the Rules of the High Court and paid by United Overseas Bank Limited to Chung Khiaw Bank Limited.

Dated this 20th day of March, 1968.

Sd. Tay Chin Chye Dy. REGISTRAR

In the Federal Court of Malaysia (Appellate Jurisdiction)

No. 8

Notice of Appeal 27th March 1968

NO. 8

NOTICE OF APPEAL

IN THE FEDERAL COURT OF MALAYSIA HOLDEN AT SINGAPORE

(APPELLATE JURISDICTION)

CIVIL APPEAL NO. Y8 OF 1968

TAKE NOTICE that United Overseas Bank Limited being dissatisfied with the decision of the Honourable Mr. Justice Alfred Victor Winslow given at Singapore on the 20th day of March 1968 appeals to the Federal Court against the whole of the said decision.

Dated this 27th day of March, 1968.

Sd. Chung & Co.

Solicitors for the Appellants

To: The Registrar,
The Federal Court,
Kuala Lumpur.

And: to the Registrar,
High Court,
Singapore

And: to Messrs. R.C.H. Lim & Co.,
Solicitors for the Respondents,
Singapore.

The address for service for the Appellants is at the office of Messrs. Chung & Co., Nos.4C & D, Chow House, Robinson Road, Singapore.

In the Federal Court of Malaysia (Appellate Jurisdiction)

No. 9

Memorandum of Appeal 26th April 1968

NO. 9

MEMORANDUM OF APPEAL

IN THE FEDERAL COURT OF MALAYSIA HOLDEN AT SINGAPORE

(APPELLATE JURISDICTION)

CIVIL APPEAL NO.Y8 of 1968

UNITED OVERSEAS BANK LIMITED, the Appellants abovenamed appeal to the Federal Court against the whole of the decision of the Honourable Mr. Justice A.V. Winslow given at Singapore on the 20th day of March, 1968 on the following grounds:

The learned Judge was wrong in law:

1. In holding that the preliminary objections to the application succeeded, namely:

(a) that the applicants were total strangers to the Originating Summons in question and accordingly were not parties to it and should therefore obtain the leave of the Court if they intended to intervene;

(b) that the applicants have no locus standi in the matter at all and should apply for leave to intervene on the principles laid down in Jacques v. Harrison (1884) 12 L.R.Q.B.D. 165 as to the modes open by which a stranger to an action who is injuriously affected through any judgment suffered by a defendant by default can set a judgment aside;

(c) that the grounds for setting aside the order of Court in question have not been set out in the summons itself as required by O.LXIII r.3

2. In holding that an order made in an Originating Summons to which a defendant or other respondent is required to enter appearance which he fails to do is an order in default of appearance which is governed by

Order 13 Rule 14 and therefore is not an "ex parte" order within the terms of Order 53 Rule 4(1).

3. In failing to take note of the legal effect of the registration of an Order of Attachment against the properties attached and in failing to hold that the applicants were necessary parties to the proceedings in Originating Summons No.239 of 1966 or alternatively that they are persons affected by the Order of Court made therein.

4. In failing to deal with the application in Summons in Chambers No.2393 of 1967 on its merits and in particular in not setting aside the relevant parts of the order made in Originating Summons No.239 of 1966 and dated the 14th day of November, 1966.

Dated this 26th day of April, 1968

Sd. Chung & Co.

Solicitors for the Appellants

To the Registrar,
Federal Court,
Singapore.

and to the Registrar,
High Court,
Singapore.

and to Messrs. R.C.H. Lim & Co.,
Solicitors for the Respondents,
Singapore.

The address for service of the Appellants is at the office of Messrs. Chung & Co., Nos. 4C & D Chow House, Robinson Road, Singapore.

In the Federal Court of Malaysia (Appellate Jurisdiction)

No. 10

Judgment of Federal Court 10th July 1968

NO. 10

JUDGMENT OF FEDERAL COURT

IN THE FEDERAL COURT HOLDEN AT SINGAPORE

(APPELLATE JURISDICTION)

FEDERAL COURT CIVIL APPEAL NO.Y8 of 1968

Coram: WEE CHONG JIN, C.J.
TAN AH TAH, F.J.
CHUA, J.

JUDGMENT

The circumstances which give rise to this appeal are as follows:- 10

The appellants, United Overseas Bank Ltd., sued Tay Soo Tong in Suit No.2180/65 and obtained a judgment for $378,267.31 on the 16th June, 1966.

On the 22nd September, 1966, the respondents in this appeal, Chung Khiaw Bank Ltd., took out an Originating Summons No.239/66 against the same Tay Soo Tong and an order for substituted service was obtained against him and the Originating Summons was not heard until the 14th November, 1966. 20

In the meanwhile United Overseas Bank Ltd. took out a writ of seizure and sale and an order was obtained on the 27th October, 1966, attaching the interest of Tay Soo Tong in certain immovable properties (hereinafter referred to as "the said properties") and on the 28th October, 1966, the order of attachment was registered against the said properties. 30

At the hearing of the Originating Summons No.239/66, Tay Soo Tong, not having entered an appearance, the Chung Khiaw Bank Ltd. obtained an order (inter alia):

(a) declaring them to be the legal mortgagee of the said properties;

(b) giving them liberty to sell the said properties out of Court;

(c) directing the net proceeds of sale to be paid to them in satisfaction or part satisfaction of the amount due and owing by Tay Soo Tong to them.

At the hearing no mention was made of the order of attachment of the 27th October, 1966, obtained by the United Overseas Bank, Ltd. and registered against the said properties on the 28th October, 1966.

Between the 15th November, 1966, and 10th March, 1967, correspondence passed between the solicitors for United Overseas Bank, Ltd. and the Sheriff of Singapore regarding the sale of the said properties that had been attached. The Sheriff tried to bring the United Overseas Bank, Ltd. and the Chung Khiaw Bank, Ltd. to some sort of understanding as to the disposal of the said properties but without success.

On the 23rd January, 1967, the Chung Khiaw Bank, Ltd. registered the order obtained by them on the 14th November, 1966, at the Registry of Deeds against the said properties.

On the 18th March, 1967, the Sheriff applied in Summons-in-Chambers entered No.441 of 1967 in Suit No.2180/65 for, inter alia, liberty to proceed with the sale of the said properties pursuant to the writ of seizure & sale dated the 25th October, 1966. The Sheriff in his affidavit said that he believed that there was a question of priority as between the United Overseas Bank, Ltd. and the Chung Khiaw Bank, Ltd. in regard to the said properties. Both the banks were served.

The Sheriff's summons was heard on the 29th May, 1967, by Winslow, J., who made no order on the application.

On the 25th October, 1967, the United Overseas Bank, Ltd. took out a Summons-in-Chambers entered No.2393 of 1967 in Originating Summons No.239/66 seeking an order:-

In the Federal Court of Malaysia (Appellate Jurisdiction)

No. 10

Judgment of Federal Court 10th July 1968

(contd)

(1) that a copy of the Summons-in-Chambers and copies of all affidavits in support thereof be served on the Sheriff of Singapore;

(2) that the Sheriff of Singapore be made a party to the said Originating Summons;

(3) that the Order of Court dated the 14th November, 1966, made in the Originating Summons be set aside and that the Registrar of Deeds do rectify the Register of Deeds and cancel the entry made on the 23rd January, 1967, in the said Register of the registration of the Order of Court dated the 14th November, 1966, made in the Originating Summons;

(4) for other consequential orders.

This application came before Winslow, J. in open Court. Counsel for the Chung Khiaw Bank, Ltd. raised preliminary objections to the application on various grounds which were summarised by the Judge in his judgment as follows:-

"(i) that the applicants were total strangers to the Originating Summons in question and accordingly were not parties to it and should therefore obtain the leave of the Court if they intended to intervene;

(ii) that the applicants have no locus standi in the matter at all and should apply for leave to intervene on the principles laid down in Jacques v. Harrison (1884) 12 L.R. Q.B.D. 165 as to the modes open by which a stranger to an action who is injuriously affected through any judgment suffered by a defendant by default can set a judgment aside;

(iii) that the grounds for setting aside the order of Court in question have not been set out in the summons itself as required by O.LXIII r.3."

Counsel for the United Overseas Bank, Ltd. submitted that the Court should assume that the United Overseas Bank, Ltd. had a locus standi because they were persons injuriously affected and said that he was not attacking the Order of Court in question for irregularity and therefore the principles laid down in Jacques v. Harrison did not apply. Reliance was placed mainly on O.53 r.4(1) on the grounds that the United Overseas Bank, Ltd. were persons who had been affected by the order and had not been served, as they should have been, and that such failure vitiated the order made.

O.53 r.4(1) reads:

> "Any order made ex parte may be varied or set aside on application, by any person affected by it, to a Judge, on such terms as to costs or otherwise as to the Judge seem fit."

The Judge disagreed with this contention and took the view that an order made in an Originating Summons to which a defendant is required to enter an appearance which he fails to do is an order in default of appearance which is governed by O.13 R.14 and cannot be regarded as an ex parte order under O.53 R.4(1). The Judge was further of the view that United Overseas Bank, Ltd. were "not persons affected by the Order of Court of the 14th November, 1966, in the sense that they were necessary parties to it because they suffered no injury directly under it."

The Judge held that the preliminary objections to the application succeeded and he dismissed the application with costs.

It is against this order that the United Overseas Bank, Ltd. now appeal.

Counsel for the appellants' contention is that the United Overseas Bank, Ltd. by registering the order of attachment on the 28th October, 1966, have priority in title over the Chung Khiaw Bank, Ltd. to the properties of Tay Soo Tong and consequently the United Overseas Bank, Ltd. were an

In the Federal Court of Malaysia (Appellate Jurisdiction)

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Judgment of Federal Court 10th July 1968

(contd)

essential party to the Originating Summons of the Chung Khiaw Bank, Ltd. and since the United Overseas Bank, Ltd. were not served the order made on the Originating Summons was a nullity and the Court in its inherent jurisdiction should set it aside ex dibito justitiae. Counsel for the appellants further contends that the Judge was wrong in deciding that the order made on the Originating Summons was not an ex parte order.

The first question for consideration is whether or not the order made on the Originating Summons was an ex parte order and comes within O.53 R.4(1).

The Originating Summons in this case was served on Tay Soo Tong by substituted service and he had made no appearance and in such a case Order 51 R.16 provides:

> "Where any party who had been duly served fails to attend at the time appointed for the hearing, the Judge may proceed ex parte, if he thinks it expedient to do so and may require such evidence of service as he thinks fit."

It is clear then that a judge may proceed ex parte to hear an application where a party duly served fails to appear at the time appointed for the hearing. An application so heard in the absence of a party is not an ex parte application. It is the hearing which is ex parte and an order made on such a hearing is an ex parte order within the terms of Order 53 Rule 4(1).

The question then arises as to whether the appellants were persons affected by the order made on the 14th November, 1966.

Counsel for the appellants submits that as the appellants were necessary parties to the Originating Summons they were affected parties.

Now, what is the legal effect of the registration of an order of attachment against the properties attached?

The Registration of Deeds Ordinance after providing in Section 2 that the expression "order of court" means (inter alia) "writ of execution" and that the expression "assurance" includes (inter alia) "memorandum of charge" and "order of court" provides in section 7 (1) that "where any lien or charge on any lands is claimed ..... by reason of any deposit of title or otherwise, a memorandum of such lien or charge, signed by the person against whom such lien or charge is claimed, may be provisionally registered on presentation by any person claiming to be interested therein", and, after providing the mode of registration in sub-section (2), sub-section (3) provides that "no such lien or charge shall have any effect or priority as against any assurance for valuable consideration unless and until a memorandum thereof has been registered in accordance with this Ordinance", and by section 15(1) it is provided that" ..... all instruments ..... entitled to be registered under this Ordinance shall have priority according to the date of registration thereof and not according to the date of such instruments or of the execution thereof "and sub-section (4) of section 15 provides that "all priorities given by this Ordinance shall have full effect in all courts....."

The question arises whether an assurance for valuable consideration includes a writ of execution. In the case of Fung Sin Wa & others v. Moi Chan Hen 4 S.S.L.R. 175, Leach, J. held that an assurance for valuable consideration included a writ of execution. The case went to appeal and the Court of Appeal affirmed the judgment of Leach, J. In our view that decision is still good law.

Once an order of attachment is made on a writ of execution and the order is duly registered it has priority over other assurances for valuable consideration registered thereafter by virtue of the provisions of the Ordinance.

In the Federal Court of Malaysia (Appellate Jurisdiction)

No. 10

Judgment of Federal Court 10th July 1968

(contd)

In the present case the Chung Khiaw Bank, Ltd. have failed to register the memorandum of charge before the registration by the appellants of the order of attachment and the appellants have therefore obtained priority over them and that being the case it seems to us that the appellants were an essential party to the Originating Summons and clearly were persons affected by the order made ex parte within the meaning of O.53 R.4(1).

It further appears to us that the order made on the Originating Summons is a nullity and the appellants who are affected by it are entitled ex debito justitia to have it set aside (see Craig v. Kanseen, (1943) 1 All E.R. 108.)

For these reasons we think this appeal should be allowed and that the appellants should have the orders prayed for in prayers (3) and (4) of their application. They are also entitled to costs here and in the Court below.

Sd. WEE CHONG JIN, C.J.

Sd. TAN AH TAH, F.J.

Sd. CHUA, J.

Dated this 10th day of July, 1968.

(The judgment of the Court was delivered by Chua, J.)

In the Federal Court of Malaysia (Appellate Jurisdiction)

No. 11

Order of Federal Court 10th July 1968

NO. 11

ORDER OF FEDERAL COURT

IN THE FEDERAL COURT OF MALAYSIA HOLDEN AT SINGAPORE

(APPELLATE JURISDICTION)

F.C. CIVIL APPEAL NO. Y8 of 1968

CORAM: THE HONOURABLE MR. JUSTICE WEE CHONG JIN, CHIEF JUSTICE, SINGAPORE

THE HONOURABLE MR. JUSTICE TAN AH TAH, JUDGE, FEDERAL COURT:

AND THE HONOURABLE MR. JUSTICE CHUA, JUDGE, HIGH COURT, SINGAPORE

IN OPEN COURT The 10th day of July 1968

O R D E R

THIS APPEAL coming on for hearing on the 22nd day of May 1968 in the presence of Mr. G.S. Hill and Mr. K.S. Chung of Counsel for the abovenamed Appellants and Mr. David T. See and Mr. F. Teah of Counsel for the above-named Respondents AND UPON READING the Record of Appeal filed herein AND UPON HEARING Counsel as aforesaid IT WAS ORDERED that this appeal should stand for judgment and this appeal standing for judgment this day in the presence of Mr. K.S. Chung of Counsel for the Appellants and Mr. R.C.H. Lim, Mr. David T. See and Mr. F. Tooh of Counsel for the Respondents

IT IS ORDERED that this appeal be allowed and that the Order of the Honourable Mr. Justice Winslow dated the 20th day of March 1968 be wholly set aside

AND IT IS ORDERED that the Order of Court dated the 14th day of November 1966 and made in Originating Summons No.239 of 1966 be and the same is hereby set aside

In the Federal Court of Malaysia (Appellate Jurisdiction)

No. 11

Order of Federal Court 10th July 1968

(contd)

AND IT IS FURTHER ORDERED that the Registrar of Deeds do rectify the Register of Deeds kept by him and cancel the entry made on the 23rd day of January 1967 in the said Register of the registration of the said Order of Court dated the 14th day of November 1966 and registered in Volume 1635 No.77

AND IT IS FURTHER ORDERED that execution on the two orders immediately preceding be stayed for six (6) weeks from the 10th day of July 1968

AND IT IS FURTHER ORDERED that the stay of execution shall continue for three (3) months with effect from the 10th day of July 1968 provided that application for leave to appeal shall be made by the Respondents to the Judicial Committee of Her Britannic Majesty's Privy Council within the said period of six (6) weeks from the 10th day of July 1968

AND IT IS FURTHER ORDERED that the Sheriff of Singapore do forthwith proceed with the sale of the properties attached under the Order of Attachment dated the 27th day of October 1966 in Writ of Seizure and Sale No.191 of 1966 dated the 25th day of October 1966 in Suit No.2180 of 1965 which said Order of Attachment is registered in Volume 1625 No.43

AND IT IS FURTHER ORDERED that the proceeds of the sale of the properties hereinbefore ordered to be sold be paid into an account at the usual rate of interest with the Overseas Chinese Banking Corporation Limited in the joint names of Chung & Co. and R.C.H. Lim & Co. and to remain in such account until further order

AND IT IS FURTHER ORDERED that the costs here and in the Court below be taxed on the Higher Scale of Costs and be paid by the Respondents to the Appellants

AND IT IS FURTHER ORDERED that the sum of $500.00 lodged in Court by the Appellants as security for the costs of this appeal be paid out by the Accountant-General to the Appellants' Solicitors

AND IT IS LASTLY ORDERED that the parties hereto be at liberty to apply.

GIVEN under my hand and the Seal of the Court this 10th day of July, 1968.

DY. REGISTRAR

In the Federal Court of Malaysia (Appellate Jurisdiction)

No. 11

Order of Federal Court 10th July 1968

(contd)

NO. 12

No. 12

ORDER GRANTING LEAVE TO APPEAL TO THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

Order granting leave to Appeal to the Judicial Committee of the Privy Council 12th August 1968

IN THE FEDERAL COURT OF MALAYSIA HOLDEN AT SINGAPORE

(APPELLATE JURISDICTION)

FEDERAL COURT CIVIL APPEAL NO.Y8 of 1968

CORAM: The Honourable Mr. Justice Wee Chong Jin, Chief Justice, Singapore;

The Honourable Mr. Justice Tan Ah Tah, Judge, Federal Court, Malaysia; and

The Honourable Mr. Justice Winslow, Judge, High Court, Singapore.

IN OPEN COURT This 12th day of August 1968.

O R D E R

UPON MOTION preferred into Court this day by Mr. L.A.J. Smith of Counsel for the Respondents in the presence of Mr. K.S. Chung of Counsel for the Appellants And Upon Reading the Notice of Motion dated the 2nd day of August 1968 and the affidavit of Lee Chin Looi affirmed on the 31st day of July, 1968 and filed on the 2nd day of August 1968 And Upon

In the Federal Court of Malaysia (Appellate Jurisdiction)

No. 12

Order granting leave to Appeal to the Judicial Committee of the Privy Council 12th August 1968

(contd)

Hearing Counsel for the Appellants and for the Respondents IT IS ORDERED that the Respondents be at liberty to appeal to the Judicial Committee from the whole of the Judgment of the Federal Court dated the 10th day of July 1968 AND IT IS FURTHER ORDERED that the Respondents shall within one month from the date hereof give security in the sum of Five thousand dollars ($5000.00) for the payment of all such costs as may become payable to the Appellants in the event of the Respondents failing to proceed with the appeal or the Judicial Committee ordering the Respondents to pay the costs of the Appellants AND IT IS LASTLY ORDERED that the Respondents shall within twenty-one (21) days after the index is settled prepare and send to the Registrar a copy of the Record of Appeal.

GIVEN under my hand and seal of the Court this 12th day of August, 1968.

DY. REGISTRAR

EXHIBITS

Exhibits

"J.T.3" - ORDER IN SUIT NO.2180 OF 1965

"J.T.3"

Order in Suit No.2180 of 1965 27th October 1966

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Suit No.2180 of 1965

B E T W E E N : UNITED OVERSEAS BANK LIMITED Plaintiff

- and -

TAY SOO TONG Defendant

WHEREAS the abovenamed United Overseas Bank Limited did on the 16th day of June 1966 recover Judgment against the abovenamed Defendant for the sum of $378,981.31 and whereas by Writ of Seizure and Sale dated the 25th day of October 1966 in the abovementioned action the Sheriff of Singapore was commanded to cause to be levied and made out of the property liable to be seized under a Writ of Seizure and Sale belonging to the said Tay Soo Tong the sum of $378,981.31. Now it is hereby ordered that the interest of the said Tay Hoo Tong of No.26 Sea Avenue, Singapore, of and in the immoveable properties, the particulars whereof are indorsed herein be attached and taken in execution to satisfy the abovementioned Judgment.

THE PARTICULARS ABOVE REFERRED TO

The following are the particulars of the immoveable properties intended to be attached and taken in execution under the Order applied for herein:-

contd.

Exhibits

"J.T.3"

Order in
Suit No.2180
of 1965
27th October
1966

(contd)

T.S.or Mukim	Lot No.	Area in sq.ft.	District	Title	House No.
Mk.XXVI	136-7	1,698	Siglap	Grant No.2	Nos.16/A/B Stangee Place
"	136-8	1,718	"	"	Nos.14/A/B Stangee Place
"	136-9	1,710	"	"	Nos.12/A/B Stangee Place
"	136-10	1,702	"	"	Nos.10/A/B Stangee Place
"	136-11	1,694	"	"	Nos.8/A/B Stangee Place
"	136-12	1,687	"	"	Nos.6/A/B Stangee Place
"	136-13	1,679	"	"	Nos.4/A/B Stangee Place
"	136-14	2,075	"	"	Nos.2/A/B Stangee Place
"	136-15	2,094	"	"	Nos.1/A/B Stangee Place
"	136-16	1,590	"	"	Nos.3/A/B Stangee Place
"	136-17	1,590	"	"	Nos.5/A/B Stangee Place
"	136-18	1,590	"	"	Nos.7/A/B Stangee Place
"	136-19	1,590	"	"	Nos.9/A/B Stangee Place
"	136-20	1,590	"	"	Nos.11/A/B Stangee Place
"	136-21	1,590	"	"	Nos.13/A/B Stangee Place
"	136-22	1,590	"	"	Nos.15/A/B Stangee Place

Exhibits

"J.T.3"

Order in Suit No.2180 of 1965 27th October 1966

(contd)

T.S.or Mukim	Lot No.	Area in sq.ft.	District	Title	House No.
Mk.XXVI	136-23	1,590	Siglap	Grant No.2	Nos.17/A/B Stangee Place
"	136-25	1,904	"	"	Nos.223/A/B East Coast Road
"	136-26	1,904	"	"	Nos.225/A/B East Coast Road
"	136-27	1,904	"	"	Nos.227/A/B East Coast Road
"	136-28	1,904	"	"	Nos.229/A/B East Coast Road
"	136-30	1,905	"	"	Nos.233/A/B East Coast Road
"	136-31	1,905	"	"	Nos.235/A/B East Coast Road
"	136-32	2,504	"	"	Nos.237/A/B East Coast Road
"	136-33	2,967	"	"	Back Lane Register Against
"	136-35	4,180	"	"	Back Lane Register Against
Mk.XXV	219-13 } 219-20 }	19,801 } 3,778 }	Geylang	Grant No.28	Nos.24 and 26 Guillemard Road
Mk.XXV	220	22.70P.	Geylang	"	Nos.33,35A,35 and 35A Lerang 12 Geylang
T.S.XII	314	8,204	Singapore Town	S.L.C. No.7802	Nos.130,132,134, 136,138 and 140 Waterloo Street and Nos.154,156 and 158 Middle Road

Dated this 27th day of October, 1966. Sd. Tay Kim Whatt
Entered No.195/66 Dy. REGISTRAR

Sd. David Clerk

Exhibits

"J.T.5"

Letter - Chung & Co. to the Sheriff, High Court, Singapore 15th November 1966

"J.T.5" - LETTER - CHUNG & CO. TO THE SHERIFF, HIGH COURT, SINGAPORE

KSS/JT/L/295/65 15th November, 1966.

The Sheriff of Singapore,
Singapore.

Dear Sir,

Suit No.2180 of 1965
United Overseas Bank Ltd. v.
Tay Soo Tong

We refer to the Order of Attachment dated the 27th October 1966 in the above action.

The Order of Attachment was presented for registration on the 25th October 1966.

We refer to Order 41 Rule 11(1) and would enquire when the notice required by rule 1(5) was despatched as no sale can take place until the expiration of 14 days from the provisional registration of the Order or of the despatch of the notice which-ever be the later date. Can you please let us have a copy of the notice.

We have also prepared the Particulars and Conditions of Sale of the properties attached and we send herewith two copies thereof for your approval. Please return one copy to us at your early convenience after you have appointed the auctioneers.

After you have approved the Particulars and Conditions of Sale we would like to proceed under Rule 11(b).

Yours faithfully,

Sd. Chung & Co.

Encl:

"J.T.6" - LETTER - CHUNG & CO. TO THE REGISTRAR, HIGH COURT, SINGAPORE

Exhibits

"J.T.6"

Letter - Chung & Co. to the Registrar, High Court, Singapore 23rd November 1966

KSC/JT/295/65 23rd November, 1966.

Dear Sir,

Suit No.2180 of 1965
Order of Attachment No.195 of 1966
United Overseas Bank Ltd. v.
Tay Soo Tong

We refer to the telephone conversation between ourselves and would inform you that our clients are taking out an application under Order 47 Rule 21 for a declaration that the right title and interest to the properties seized are in question and for the declaration to be in force as a lis pendens.

As you are aware our clients are only taking out this application in view of the fact that you will not do so yourself and in view of the fact that you have agreed that our clients are entitled to take out the application.

Yours faithfully,

Sd. Chung & Co.

The Registrar,
High Court,
Singapore.

Exhibits

"J.T.4" - ORDER IN SUIT NO.2180 OF 1965

"J.T.4"

Order in Suit No.2180 of 1965
24th November 1966

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Suit No.2180 of 1965

B E T W E E N : UNITED OVERSEAS BANK LIMITED Plaintiff

- and -

TAY SOO TONG Defendant

BEFORE THE HONOURABLE MR. JUSTICE CHUA

IN CHAMBERS

UPON the application of the abovenamed Plaintiff made by way of Summons in Chambers Entered No.2009 of 1966 coming on for hearing this day And Upon Reading the affidavit of Kok Soon Chung affirmed and filed herein on the 23rd day of November 1966 and the exhibits therein referred to And Upon Hearing the Solicitors for the Plaintiff THIS COURT DOTH DECLARE that the right, title and interest to the lands, hereditaments and premises described in the Schedule hereto is in question in this action AND THIS COURT DOTH ORDER that this declaration be in force as a lis pendens for a period of twelve months from the date hereof AND THIS COURT DOTH FURTHER ORDER that the costs of and incidental to this application be costs in the cause.

The Schedule above referred to

contd.

Exhibits

"J.T.4"

Order in Suit No.2180 of 1965
24th November 1966
(contd)

T.S.or Mukim	Lot No.	Area in sq.ft.	District	Title	House No.
Mk.XXVI	136-7	1,698	Siglap	Grant No.2	Nos.16/A/B Stangee Place
"	136-8	1,718	"	"	Nos.14/A/B Stangee Place
"	136-9	1,710	"	"	Nos.12/A/B Stangee Place
"	136-10	1,702	"	"	Nos.10/A/B Stangee Place
"	136-11	1,694	"	"	Nos.8/A/B Stangee Place
"	136-12	1,687	"	"	Nos.6/A/B Stangee Place
"	136-13	1,679	"	"	Nos.4/A/B Stangee Place
"	136-14	2,075	"	"	Nos.2/A/B Stangee Place
"	136-15	2,094	"	"	Nos.1/A/B Stangee Place
"	136-16	1,590	"	"	Nos.3/A/B Stangee Place
"	136-17	1,590	"	"	Nos.5/A/B Stangee Place
"	136-18	1,590	"	"	Nos.7/A/B Stangee Place
"	136-19	1,690	"	"	Nos.9/A/B Stangee Place
"	136-20	1,590	"	"	Nos.11/A/B Stangee Place
"	136-21	1,590	"	"	Nos.13/A/B Stangee Place
"	136-22	1,590	"	"	Nos.15/A/B Stangee Place

Exhibits

"J.T.4"

Order in Suit No.2180 of 1965
24th November 1966

(contd)

T.S.or Mukim	Lot No.	Area in sq.ft.	District	Title	House No.
Mk.XXVI	136-23	1,590	"	"	Nos.17/A/B Stangee Place
"	136-25	1,904	"	"	Nos.223/A/B East Coast Road
"	136-26	1,904	"	"	Nos.225/A/B East Coast Road
"	136-27	1,904	"	"	Nos.227/A/B East Coast Road
"	136-28	1,904	"	"	Nos.229/A/B East Coast Road
"	136-30	1,905	"	"	Nos.233/A/B East Coast Road
"	136-31	1,905	"	"	Nos.235/A/B East Coast Road
"	136-32	2,504	"	"	Nos.237/A/B East Coast Road
"	136-33	2,967	"	"	Back Lane
"	136-35	4,180	"	"	Back Lane
Mk.XXV	219-13 219-20	19,801 3,778	Geylang	Grant No.28	Nos.24 and 26 Guillemard Road
Mk.XXV	220	22.70P	"	"	Nos.33, 33A, 35 and 35A Lerang 12 Geylang
T.S.XII	314	8,204	Singapore Town	S.L.C. No. 7802	Nos.130,132,134,136 138 and 140 Waterloo Street and Nos.154, 156 and 158 Middle Road

Dated this 24th day of November, 1966.

Sd. C.C. Eu

REGISTRAR

"J.T.7" - LETTER - CHUNG & CO. TO THE SHERIFF, HIGH COURT, SINGAPORE

Exhibits

"J.T.7"

Letter - Chung & Co. to the Sheriff, High Court, Singapore 24th November 1966

KSC/HH/295/65 24th November 1966.

The Sheriff,
High Court,
Singapore.

Dear Sir,

re: Suit No.2180 of 1965
Order of Attachment
No.195 of 1966
United Overseas Bank Ltd.
v. Tay Soo Tong

We send you herewith copy of an Order made today which has now been registered at the Registry of Deeds against the properties set out in the Schedule to the Order.

Will you kindly proceed with the sale and let us have an appointment to settle the Conditions of Sale sent to you with our letter of the 15th instant.

We are sending you herewith as requested by you 70 copies of the Notice required to be affixed on the immovable properties seized by you. This is a requirement under Order 41 Rule 1(5). We shall be obliged if you will see to the compliance of that Rule at your earliest convenience.

We shall be glad if the sale could be expedited.

Yours faithfully,

Sd. Chung & Co.

Encl:

Exhibits

"J.T.16"-"C.1"

Letter - Chung & Co. to the Sheriff, High Court, Singapore 3rd December 1966

"J.T.16"-"C.1" - LETTER - CHUNG & CO. TO THE SHERIFF, HIGH COURT, SINGAPORE

CHUNG & CO.

Advocates & Solicitors

3-8, Chow House, Robinson Road, Singapore, 1.

Your Ref:S.2180/65/ECC/LPL
Our Ref:KEC/NM/295/65

3rd December 1966.

The Sheriff,
High Court,
Singapore.

Dear Sir,

re: Suit No.2180 of 1965
United Overseas Bank Ltd.
v. Tay Soo Tong

We refer to the letter dated 1st instant from Messrs. R.C.H. Lim & Co. to yourself, a copy of which has been sent to us.

The Conditions of Sale have already been prepared by us and they were sent to you on the 15th November 1966. As we have not been informed of the purpose of the discussion proposed by Messrs. R.C.H. Lim & Co. in regard to the Conditions of Sale by public auction, there is very little purpose in having a conference. We would suggest therefore that if a conference is to be held, Messrs. R.C.H. Lim & Co. should first of all have inspection of the Conditions of Sale and then make what suggestions they have regarding any amendment or alteration to these Conditions.

As we act for the Execution Creditors and as the Conditions of Sale have been prepared by us, we feel that we should attend any conference relating to any discussion on Conditions of Sale. Would you agree with us in this respect?

Yours faithfully,

(Sd) (CHUNG & CO)

c.c. M/s. R.C.H. Lim & Co.,
Singapore.

"J.T.16"- "C.2" - LETTER - THE SHERIFF, HIGH COURT, SINGAPORE TO R.C.H. LIM & CO.

Exhibits

"J.T.16"-"C.2"

Letter - the Sheriff, High Court, Singapore to R.C.H. Lim & Co. 6th December 1966

Sheriff's Dept.,

S.2180/65/ECC/LPL

Messrs. R.C.H. Lim & Co.,
Advocates & Solicitors,
Singapore.

Gentlemen

Suit No.2180/65
United Overseas Bank Ltd.
v. Tay Soo Tong

I refer to the letter dated 3rd December, 1966 from Messrs. Chung & Co., copy of which was sent to you, regarding the sale of properties seized by the Sheriff in the above action.

Since you are an interested party, I agree that the Conditions of Sale forwarded to me by Messrs. Chung & Co. should be inspected by you. I shall be glad to have any suggestions you may make regarding any amendments or alterations to these Conditions. A copy of the Conditions of Sale is forwarded herewith.

I will arrange for a meeting to settle the Conditions of Sale as soon as is convenient.

I am, Gentlemen,

Your obediant servant,

(Sd.) (EU. CHEOW CHYE)

(Eu Cheow Chye),

Sheriff of Singapore.

Exhibits

"J.T.8"

Letter - Chung & Co. to the Sheriff, High Court, Singapore 13th December 1966

"J.T.8" - LETTER - CHUNG & CO. TO THE SHERIFF, HIGH COURT, SINGAPORE

13th December, 1966

SD/Ex.191/66/SCL/LPL
KSC/HS/295/65

The Sheriff,
High Court,
Singapore.

Dear Sir,

re: Suit No.2180 of 1965
Order of Attachment
No.195/66
United Overseas Bank
Ltd. v. Tay Soo Tong

We thank you for your letter of the 13th instant and would request you to take steps to sell the properties mentioned in your letter. This request is made under Order 41 Rules 8 and 11 of the Rules of the High Court.

Yours faithfully,

Sd. Chung & Co.

"J.T.16"

Letter R.C.H. Lim & Co. to Chung & Co. 19th December 1966

"J.T.16" - LETTER - R.C.H. LIM & CO. TO CHUNG & CO.

RICHARD CHUAN HOE LIM
Advocates and Solicitors

Please Quote
Our Ref.RL/PT/TKT

1st Floor,
34-A, Market Street,
Singapore

19th Dec. 1966

Dear Sirs,

Tay Soo Tong and Suit No.2180/65

Exhibits

"J.T.16"

Letter R.C.H. Lim & Co. to Chung & Co. 19th December 1966

(contd)

re: (1) Lot 98-9 = 20,292 sq.ft., less 735 sq.ft., No.26 Sea Avenue, vested in the Director of P.W.D. Volume 1553/43.

(2) Lot 103-88, area: 12,463 sq. ft., Mk.XXV, flats at Tanjong Katong Road - Nos.214 to 224 (even numbers).

(3) Lot 33, Mukim X, Lease No. 1759 for 999 years, house numbers - 168-1 & 168-2 Jurong Road.

With reference to the above matter and in reference to the Sheriff's letter to us dated the 6th instant, ref: S.2180/65/SCC/ LPL, we are informed that the title deeds of the abovementioned 3 properties were deposited with your clients as security for overdraft facilities granted to the above-named Tay Soo Tong. May we know whether your client will agree that the said 3 properties should also be auctioned at the same time as the other properties.

If, however, there are properties other than the said 3 properties, the title deeds of which had also been deposited with your clients, please let us have particulars of same as soon as possible.

Your early attention will be greatly appreciated.

Yours faithfully,

(SD.) (RICHARD CHUAN HOE LIM & CO.)

M/s. Chung & Co.,
Singapore.

cc. The Sheriff of Singapore,
Sheriff's Dept., High Court,
Singapore, 6.

Exhibits

"J.T.16"-"C.3"

Letter - R.C.H. Lim & Co. to the Sheriff, High Court, Singapore 19th December 1966

"J.T.16" - "C.3" - LETTER - R.C.H. LIM & CO. TO THE SHERIFF, HIGH COURT, SINGAPORE

RICHARD CHUAN HOE LIM & CO.,
Advocates and Solicitors

Please Quote
Our Ref.RL/PT/TKT

1st Floor,
34-A, Market Street,
Singapore.

Your ref:S.2180/65/ECC/LPL

19th Dec., 1966.

Dear Sir,

Suit No.2180/65
United Overseas Bank Limited
v. Tay Soo Tong

Thank you for your letter of the 6th instant.

We enclose herewith a copy of our letter to M/s. Chung & Co. which speaks for itself.

Yours faithfully,

(SD) (RICHARD CHUAN HOE LIM & CO.)

The Sheriff of Singapore,
Sheriff's Dept.,
High Court,
Singapore, 6.

Enc:

"J.T.9" - LETTER - CHUNG & CO. TO THE SHERIFF, HIGH COURT, SINGAPORE

Exhibits

"J.T.9"

Letter - Chung & Co. to the Sheriff, High Court, Singapore 20th December 1966

URGENT

20th December 1966.

SD/Ex.191/66/BCL/LPL
KEC/HM/295/65

The Sheriff,
High Court,
Singapore.

Dear Sir,

Re: Suit No 2180 of 1965
Order of Attachment
No.195/66
United Overseas Bank Ltd.
v. Tay Soo Tong

With reference to our letter of the 13th instant, will you kindly let us know whether you have approved of our draft Conditions of Sale and whether you have made arrangements for the auction sale of the properties seized by you.

We shall be obliged if you will treat this matter as one of urgency as interest is mounting day by day on the $378,981.31.

Yours faithfully,

SD. Chung & Co.

Exhibits

"J.T.10"

"J.T.10" - LETTER - CHUNG & CO. TO THE SHERIFF, HIGH COURT, SINGAPORE

Letter - Chung & Co. to the Sheriff, High Court, Singapore 21st December 1966

21st December 1966.

SD/EX.191/66/ECC/LPL
KSC/JT/295/65

Dear Sir,

re: Suit No.2180 of 1965
Order of Attachment
No.195/66
United Overseas Bank Ltd.
v. Tay Soo Tong

We thank you for letter of the 20th instant.

We do not propose to wait indefinitely for any amendments by Messrs. R.C.H. Lim & Co. We are not admitting that they are even entitled to make any amendments.

In the circumstances will you immediately upon receipt of this letter proceed to sell the properties under Order 41 Rule 8.

Yours faithfully,

Sd. Chung & Co.

The Sheriff,
High Court,
Singapore.

"J.T.16"-"C.5"

"J.T.16" - "C.5" - LETTER REGISTRAR HIGH COURT, SINGAPORE TO CHUNG & CO.

Letter - Registrar High Court Singapore to Chung & Co. 23rd December 1966

SD/Ex.191/66/ECC/LPL 23rd December, 1966.

Messrs. Chung & Co.,
Advocates & Solicitors,
Singapore.

Gentlemen,

Re: Suit No.2180 of 1965
Order of Attachment No.195/66
United Overseas Bank Ltd.
v. Tay Soo Tong

Exhibits

"J.T.16"-"C.5"

Letter - Registrar High Court, Singapore to Chung & Co. 23rd December 1966

(contd)

I acknowledge receipt of your letter of the 21st instant. Before I proceed with the sale of the properties as requested by you there are certain difficulties which have to be resolved. These difficulties have arisen as a result of the Order of Court dated 14th November, 1966 made in Originating Summons No.239 of 1966 which gave conflicting interests to the properties seized in the Order of Attachment.

2. You are no doubt aware that questions of priority are involved, and I intend to seek the direction of the Court as to the proper course I should take. One way of doing this is to refer the Conditions of Sale to the Judge for approval under Order 4k, Rule 11(b). For this reason, I think it is proper for me to know whether Messrs. R.C.H. Lim & Co., the solicitors for the plaintiff in Originating Summons No.239 of 1966, have any special conditions to make before I submit the Conditions of Sale to the Judge.

3. There are also questions of valuation of the properties and the payment for such valuation to be considered, and I shall be glad to have your views.

I am, Gentlemen,

Your obedient servant,

(Sd.) (EU CHEOW CHYE)

(Eu Cheow Chye),
Registrar

c.c. Messrs. Richard Chuan Hoe Lim & Co.,
Advocates & Solicitors,
Singapore.

Exhibits

"J.T.16" - LETTER - R.C.H. LIM & CO. TO CHUNG & CO.

"J.T.16"

Letter - R.C.H. Lim & Co. to Chung & Co. 5th January 1967

RICHARD CHUAN HOE LIM & CO.,
Advocates and Solicitors

Please Quote
Our Ref. EL/PT/TKT

1st Floor,
34-A, Market Street,
Singapore.

5th Jan., 1967.

Dear Sirs,

Tay Soo Tong and Suit No. 2180/65

re: (1) Lot 98-9 = 20,292 sq.ft., less 735 sq.ft., No.26 Sun Avenue, vested in the Director of P.S.D. Volume 1553/43

(2) Lot 103-88, area: 12,463 sq.ft., Mk.XXV, flats at Tanjong Katong Road - Nos.214 to 224 (even numbers).

(3) Lot 33, Mukim X, Lease No. 1759 for 999 years, house numbers - 168-1 & 168-2 Jurong Road.

We refer you to our letter to you dated the 19th December, 1966 to which we have had no reply. Will you be kind enough to let us have your reply as soon as possible.

We would like to add that the above-mentioned three properties should be sold first and if the proceeds of sales of the said three properties are sufficient to pay the amount due to your client, then the properties that are now under mortgage to our client should be released.

We would also like to add that valuation of all properties intended to be auctioned should be made so that there will not be any allegations of any of the properties having been sold at the price below market value.

Your early attention will be much appreciated.

Yours faithfully,

(SD) (RICHARD CHUAN HOE LIM & CO.)

M/s. Chung & Co.,
Singapore.

c.c. The Sheriff of Singapore,
Sheriff's Department,
High Court,
Singapore, 6.

Exhibits

"J.T.16"

Letter - R.C.H. Lim & Co. to Chung & Co. 5th January 1967 (contd)

"J.T.16" - "C.6" - LETTER - R.C.H. LIM & CO. TO THE SHERIFF, HIGH COURT, SINGAPORE

"J.T.16"-"C.6"

Letter - R.C.H. Lim & Co. to the Sheriff, High Court, Singapore 5th January 1967

RICHARD CHUAN HOE LIM & CO.,
Advocates and Solicitors

Please Quote
Our Ref. RL/PT/TKT

1st Floor,
34-A, Market Street,
Singapore.

Your ref:S.2180/65/ECC/LPL

5th Jan., 1967.

Dear Sir,

Suit No.2180/65
United Overseas Bank Limited
v. Tay Soo Tong

We enclose herewith a copy of our letter of even date addressed to Messrs. Chung & Co.

Yours faithfully,

(SD) (RICHARD CHUAN HOE LIM & CO.)

The Sheriff of Singapore,
Sheriff's Dept.,
High Court,
Singapore, 6.

Exhibits

"J.T.11"

Letter - Chung & Co. to the Sheriff, High Court, Singapore 16th January 1967

"J.T.11" - LETTER - CHUNG & CO. TO THE SHERIFF, HIGH COURT, SINGAPORE

16th January, 1967.

SD/Ex.191/66/ECC/PC
KSC/RM/MC/295/65

The Sheriff,
High Court,
Singapore.

Dear Sir,

re: Suit No.2180/65
Order of Attachment
No.195/66
(1) Lot 98-9 - 20,292 sq.ft., less 735 sq.ft. No.26 Sea Avenue, vested in the Director of P.U.D. Vol. 1553/43
(2) Lot 103-88, area: 12,433 sq.ft. Mk.XXV flats at Tanjong Katong Road-Nos.214 to 224 (even numbers).
(3) Lot 33 Mk.X Lease No.1759 for 999 years, house Nos.168-1 & 168-2 Jurong Road.

We thank you for your letter of the 23rd ultimo.

Regarding the Order dated 14th November 1966 in O.S. No.239/66 you will agree that this Order was made after Order of Attachment which was registered against the properties in question on the 27th October 1966.

As to the question of priority this does not arise because even at the date of our Order dated 24th November 1966 declaring a lis pendens the Order of the 14th November 1966 had not been registered against the said properties. We do not know whether it is now registered against the properties but if it is then the Order of Attachment has priority.

If you intend to seek the direction of the Court, will you please do so as soon as possible. We take it that you are not waiting for Messrs. R.C.H. Lim & Co. to inform you of their conditions of sale before you

Exhibits

"J.T.11"

Letter - Chung & Co. to the Sheriff, High Court, Singapore 16th January 1967 (contd)

proceed. What if they do not inform you of their special conditions or any conditions? In the circumstances, will you kindly proceed with your application for direction as indicated in your letter of the 23rd ultimo under reply.

As to the question of valuation, will you kindly confirm that the cost of valuation will be paid out of the proceeds of sale. If you do then by all means obtain your valuation.

Yours faithfully,

Sd. Chung & Co.

"J.T.16" - "1" - LETTER - CHUNG & CO. TO R.C.H. LIM & CO.

"J.T.16"-"1"

Letter - Chung & Co. to R.C.H. Lim & Co. 16th January 1967

CHUNG & CO.
Advocates and Solicitors

3F & G, Chow House,
Robinson Road,
Singapore, 1.

16th January, 1967

Your Ref.RL/PT/PKT
Our Ref.KEC/HM/L/295/65

Messrs. R.C.H. Lim & Co.,
Singapore.

Dear Sirs,

re: Suit No.2180 of 1965
Order of Attachment No.195/66
(1) Lot 98-9 = 20,292 sq.ft., less 735 sq.ft. No.26 Sea Avenue, vested in the Director of P.W.D. Vol.1553/43
(2) Lot 103-88, area: 12,463 sq.ft. Mk.XXV. flats at Tanjong Katong Road- Nos.214 to 224 (even numbers)
(3) Lot 33 Mk.X Lease No.1759 for 999 years, house Nos.168-1 & 168-2 Jurong Road.

Exhibits

"J.T.16"-"1"

With reference to your letter of the 19th ultimo there are no properties other than the above properties mortgaged to our clients. However, please make your own searches.

Letter - Chung & Co. to R.C.H. Lim & Co. 16th January 1967 (contd)

As to your letter of the 5th January 1967, we do not know what early attention you require. You appear to have propounded a theory regarding the disposal of the above properties and it is for you to see that your theory is put into proper effect, if possible.

As to the penultimate paragraph we feel that the gratuitious advice was not really necessary.

Yours faithfully,

Sd. Chung & Co.

"J.T.16"-"C.8"

"J.T.16" - "C.8" - LETTER - R.C.H. LIM & CO. TO THE SHERIFF, HIGH COURT, SINGAPORE

Letter - R.C.H. Lim & Co. to the Sheriff, High Court, Singapore 17th January 1967

RICHARD CHUAN HOE LIM & CO.,
Advocates and Solicitors

Please Quote
Our Ref.RL/PT/TKT

1st Floor,
34-A, Market Street,
Singapore.

Your Ref:SD/Ex.191/66/ECC/PG

17th Jan., 1967

Dear Sir,

re: Suit No.2180 of 1965
Order of Attachment No.195/66
United Overseas Bank Ltd.
v. Tay Soo Tong

Referring to your letter of the 9th instant which was received on the 16th instant, may we refer to our letter of the 5th instant in which we enclosed a copy letter of the same date addressed to Messrs. Chung & Co.

Exhibits

"J.T.16"-"C.8"

Letter - R.C.H. Lim & Co. to the Sheriff, High Court, Singapore 17th January 1967 (contd)

We regret that we have not yet received a reply from Messrs. Chung & Co. We enclose herewith a reminder to them and shall write to you again as soon as we hear from them.

Yours faithfully,

(SD.) (RICHARD CHUAN HOE LIM & CO.)

The Sheriff of Singapore,
Sheriff's Department,
High Court,
Singapore, 6.

Enc:

"J.T.16" - LETTER R.C.H. LIM & CO. TO CHUNG & CO.

"J.T.16"

Letter - R.C.H. Lim & Co. to Chung & Co. 17th January 1967

RICHARD CHUAN HOE LIM & CO.,
Advocates and Solicitors

Please Quote
Our Ref.RL/PT/TKT

1st Floor,
34-A, Market Street,
Singapore.

17th Jan., 1967

Dear Sirs,

Tay Soo Tong and Suit No.2180/65

We refer you to our letter of the 5th instant to which we have received no reply.

We regret that we cannot agree to the sale of the properties you intended to sell by public auction or otherwise unless and until we received a satisfactory reply from you to our said letter of the 5th instant.

Will you kindly give this matter your early attention.

Yours faithfully,

(SD.)(RICHARD CHUAN HOE LIM & CO.)

M/s.Chung & Co.,
Singapore.

c.c. The Sheriff of Singapore,
High Court, Singapore.

Exhibits

"J.T.12"

Letter - Chung & Co. to the Registrar, High Court, Singapore 3rd February 1967

"J.T.12" - LETTER - CHUNG & CO. TO THE REGISTRAR, HIGH COURT, SINGAPORE

3rd February 1967.

SD/Ex.191/66/ECC/PC
KSC/HM/295/65

The Registrar,
High Court,
Singapore.

Dear Sir,

re: Suit No.2180 of 1965

We thank you for your letter of the 1st instant.

As we have already inquired by our letter of the 16th ultimo, what would you do if you do not get a reply from Messrs. R.C.H. Lim & Co. at all?

In the circumstances we wonder if you would consider applying to Court if you do not get a reply from Messrs. R.C.H. Lim & Co. after one week from today's date. You will no doubt agree with us that it would be absurd to wait indefinitely for Messrs. R.C.H. Lim & Co.'s reply. We ourselves do not think that you need wait for a reply before applying to Court but if you insist on waiting for a reply there must be a limit to the period when they can hold up the sale.

Please let us have your further views as this matter is getting to be very urgent. You will no doubt realise that the judgment debtor has to pay interest on the judgment debt from, the 16th June 1966.

Yours faithfully,

Sd. Chung & Co.

Exhibits

"J.T.16"-"C.10"

Letter - the Registrar, High Court, Singapore to R.C.H. Lim & Co. 15th February 1967

"J.T.16" - "C.10" - LETTER - THE REGISTRAR, HIGH COURT, SINGAPORE TO R.C.H. LIM & CO.

SD/EX.101/66/ECC/PC

Sheriff's Department,

15th February, 1967.

Messrs. R.C.H. Lim & Co.,
Advocates & Solicitors,
Singapore.

Gentlemen,

re:Suit No.2180 of 1965
Order of Attachment No.195/66
United Overseas Bank Ltd.
v. Tay Soo Tong

I refer to my letter of the 6th December, 1966 and reminder of the 9th January, 1967 asking you whether you have any special conditions to make regarding the Conditions of Sale submitted by Messrs. Chung & Co. in respect of the above Order of Attachment.

As Messrs. Chung & Co. have been pressing me to proceed with the sale, I would ask you to forward to me any special conditions as soon as possible, failing which I shall proceed to seek the direction of the Court.

I am, Gentlemen,

Your obediant Servant,

(SD.) (EU CHEOW CHYE)

(Eu Cheow Chye)

Registrar,

High Court, Singapore.

cc. Messrs. Chung & Co.,
Singapore.

Exhibits

"J.T.13"

Letter - Chung & Co. to the Registrar, High Court, Singapore 9th March 1967

"J.T.13" - LETTER - CHUNG & CO. TO THE REGISTRAR, HIGH COURT, SINGAPORE

9th March 1967.

SD/Ex.191/66/ECC/PC
KSC/HM/295/65

The Registrar,
High Court,
Singapore.

Dear Sir,

re: Suit No.2180 of 1965

We refer to our letter of the 3rd February 1967 and would request you once more to sell the properties seized.

We regret to inform you that unless action is taken within one week from the date hereof to sell the properties seized, our instructions are to request you to show cause.

In the meantime you are requested to let us have a written notice under O.44 r.5 stating your reasons for your inability or unwillingness to sell.

Yours faithfully,

Sd. Chung & Co.

"J.T.14"

Letter - the Sheriff, High Court, Singapore to Chung & Co. 10th March 1967

"J.T.14" - LETTER - THE SHERIFF, HIGH COURT, SINGAPORE TO CHUNG & CO.

Sheriff's Department,
Registry, High Court,
Singapore 6.

SD/Ex.191/66/ECC/PC

10th March, 1967

M/s. Chung & Co.,
Singapore.

Gentlemen,

re: Suit No.2180 of 1965

Exhibits

"J.T.14"

Letter - the Sheriff, High Court, Singapore to Chung & Co. 10th March 1967 (contd)

I refer to your letter dated 9th March 1967 and have to inform you that I have referred the matter to the Attorney-General to represent the Sheriff to make an application to the Court for certain directions. I understand the application will be made next week.

2. As you are aware, I have already informed you in my letter of the 23rd December 1966 that there are questions of priority involved and that was the reason I was unable to proceed with the sale.

I am, Gentlemen,

Your obedient servant,

Sd. Eu Cheow Chye

Sheriff of Singapore.

c.c. M/s. R.C.H. Lim & Co., Singapore.

c.c. The Attorney-General (attention: Mr. Ho Kian Ping) Singapore.

"J.T.15" - SUMMONS IN CHAMBERS BY SHERIFF IN SUIT NO.2180 of 1965

"J.T.15"

Summons in Chambers by Sheriff in Suit No.2180 of 1965 18th March 1967

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Suit No.2180 of 1965

Writ of Seizure & Sale No.191 of 1966

B E T W E E N : UNITED OVERSEAS BANK LIMITED Plaintiff

- and -

TAY SOO TONG Defendant

SUMMONS-IN-CHAMBERS

Let all parties concerned appear before the

"J.T.15"

Summons in Chambers by Sheriff in Suit No.2180 of 1965 18th March 1967 (contd)

Judge in Chambers on the 14th day of April, 1967 at the hour of 10.30 o'clock in the forenoon on the hearing of an application on the part of the Sheriff for the following orders:-

(1) Notwithstanding the Orders of this Honourable Court dated 14th November, 1966 in O.S.239/66 and 24th November, 1966 in S.2180/65, the Sheriff be at liberty to proceed with the sale of the properties set out in the Schedule hereto by public auction pursuant to the Writ of Seizure and Sale No.191/66 and dated 25th October, 1966;

(2) That the conditions of sale in respect of the aforesaid properties be drawn up by the parties served with this Summons and be submitted for the approval of this Honourable Court;

(3) That a licensed valuer be appointed to value the said properties before the sale and that the costs of such valuation be paid out from the proceeds of the sale;

(4) That all costs and expenses, incidental and consequential to the said sale, incurred or to be incurred by the Sheriff be paid out of the proceeds of the said sale and that the balance thereof be lodged in Court;

(5) That the question of priority in respect of the aforesaid balance of proceeds as between the parties i.e. United Overseas Bank Ltd. in S.2180/65 and Chung Khiaw Bank Ltd. in O.S. No.239/66 be determined;

(6) Such further and other Orders as this Honourable Court may deem necessary and that there be liberty to apply.

contd.

Exhibits

Summons in Chambers by Sheriff in Suit No.2180 of 1965 18th March 1967 (contd)

SCHEDULE

Sale Lot No.	Description of Property	Area in sq. ft.	Lot No.	Mukim	Title
1.	Nos.8/A/B Stangee Place	1,694	136-11	XXVI	Freehold Grant No.2
2.	Nos.6/A/B Stangee Place	1,687	136-12	XXVI	-do-
3.	Nos.4/A/B Stangee Place	1,679	136-13	XXVI	-do-
4.	Nos.2/A/B Stangee Place	2,073	136-14	XXVI	-do-
5.	Nos.1/A/B Stangee Place	2,094	136-15	XXVI	-do-
6.	Nos.3/A/B Stangee Place	1,590	136-16	XXVI	-do-
7.	Nos.5/A/B Stangee Place	1,590	136-17	XXVI	-do-
8.	Nos.7/A/B Stangee Place	1,590	136-18	XXVI	-do-
9.	Nos.9/A/B Stangee Place	1,590	136-19	XXVI	-do-
10.	Nos.11/A/B Stangee Place	1,590	136-20	XXVI	-do-
11.	Nos.13/A/B Stangee Place	1,590	136-21	XXVI	-do-
12.	Nos.15/A/B Stangee Place	1,590	136-22	XXVI	-do-
13.	Nos.17/A/B Stangee Place	1,590	136-23	XXVI	-do-
14.	Nos.223/A/B East Coast Road	1,904	136-25	XXVI	-do-

Sale Lot No.	Description of Property	Area in sq. ft.	Lot No.	Mukim	Title
15.	Nos.225/A/B East Coast Road	1,904	136-26	XXVI	Freehold Grant No.2
16.	Nos.227/A/B East Coast Road	1,904	136-27	XXVI	-do-
17.	Nos.229/A/B East Coast Road	1,904	136-28	XXVI	-do-
18.	Nos.233/A/B East Coast Road	1,905	136-30	XXVI	-do-
19.	Nos.235/A/B East Coast Road	1,905	136-31	XXVI	-do-
20.	Nos.237/A/B East Coast Road	2,504	136-32	XXVI	-do-
21.	Nos.24 and 26 Guillemard Road	19,801 3,778	219-13 219-20	XXV	Freehold Grant No.28
22.	Nos.33, 33A, 35 and 35A Lorong 12 Geylang	22.70P.	220	XXV	-do-
23.	Nos.130, 132, 134, 136, 138 and 140 Waterloo Street and Nos.154, 156 and 158 Middle Road	8,204	314	T.S. XII	Statutory Land Grant No.7802

Dated this 18th day of March, 1967.

Entered No.441/67

Sd. Edwin

Clerk

By Order

Sd. Eu Cheow Chye

Registrar.

Exhibits

Summons in Chambers by Sheriff in Suit No.2180 of 1965 18th March 1967 (contd)

This Summons is taken out by the Attorney-General, for the Sheriff of Singapore.

To: (1) The United Overseas Bank Ltd. and their solicitors, Messrs. Chung & Co., 3-8, Chow House, Robinson Road, Singapore.

(2) The Chung Khiaw Bank Ltd. and their solicitors, Messrs. R.C.H. Lim & Co., 34-A Market Street, Singapore.

(3) Mr. Tay Soo Tong, No.26 Sea Avenue, Singapore.

"J.T.16" - AFFIDAVIT OF EU CHEOW CHYE, THE SHERIFF

"J.T.16"

Affidavit of Eu Cheow Chye, the Sheriff 18th March 1967

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Suit No.2180 of 1965

Writ of Seizure & Sale No.191 of 1966

B E T W E E N : United Overseas Bank Limited Plaintiff

- and -

Tay Soo Tong Defendant

A F F I D A V I T

I, Eu Cheow Chye, Sheriff of Singapore, make oath and say as follows:-

1. The properties set out in the Schedule to the Summons were attached by me on 28th October, 1966 pursuant to a Writ of Seizure and Sale dated 25th October, 1966 taken out by Messrs. Chung & Co., Solicitors for the United Overseas Bank Ltd., judgment creditors in S.2180/65.

Exhibits

"J.T.16"

Affidavit of Eu Cheow Chye, the Sheriff 18th March 1967 (contd)

2. Service of the Notice of Seizure of Immovable Property was effected on the judgment debtor on 7th of November, 1966 by fixing a copy of the same on the front door of the premises at No.26 Sea Avenue, Singapore. Copies of the same were also posted on the various properties as set out in the Schedule to the Summons on 25th November, 1966, 28th November, 1966 and 29th November, 1966. The sale of the said properties could only take place, under Order 41 Rule 11(a), until the expiration of 14 days from the dates of postings.

3. On 14th November, 1966, Messrs. R.C.H. Lim acting for Chung Khiaw Bank Ltd., equitable mortgagee of the aforesaid properties applied to Court by way of Originating Summons (No.239 of 1966) and obtained an Order declaring Chung Khiaw Bank Ltd., legal mortgagee of the said properties with liberty to sell out of Court the said properties. A copy of the Order of Court dated 14th November, 1966 is exhibited hereto and marked "A".

4. Subsequently, Messrs. Chung & Co. obtained a lis pendens Order against the same properties on behalf of United Overseas Bank Ltd. A copy of the Order dated 24th November, 1966 is exhibited hereto and marked "B".

5. I have since tried to bring the two parties concerned to come to some sort of understanding as to the disposal of the said properties but without success. Correspondence in this regard are exhibited hereto and marked "C1 to C10".

6. I verily believe that there is a question of priority as between the aforesaid parties in regard to said properties.

7. In the circumstances, I pray for an Order in terms of the application.

Sworn to at Singapore this 18th day of March, 1967 } Sd. Eu Cheow Chye

Before me,

Sd: Mohd. Yatim Dohon
A Commissioner for Oaths.

Exhibits

"J.T.16"

Affidavit of Ang Koon Boon 19th April 1967

"J.T.16" - AFFIDAVIT OF ANG KOON BOON

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Suit No.2180 of 1965

Writ of Seizure & Sale No.191 of 1966

B E T W E E N : UNITED OVERSEAS BANK LIMITED Plaintiff

- and -

TAY SOO TONG Defendant

I, ANG KOON BOON of No.41-B, Market Street, Singapore, do hereby make oath and say as follows:-

1. I have been and are still assisting Mr. Tay Soo Tong in his personal business.

2. Mr. Tay Soo Tong is on the date of these presents in Indonesia. I do not know when he will return.

3. To the best of my knowledge information and belief, for the banking facilities granted to him by the United Overseas Bank Limited of Bonham Building, Singapore, he deposited with the said Bank the title deeds of three properties described in the Schedule hereto.

4. I do not know whether he has made a deposit of any other properties.

5. The document now produced and shown to me and marked (1) is a true copy of a letter dated 16th January, 1967 from Messrs. Chung & Co., to Messrs. R.C.H. Lim & Co., in reply to Messrs. R.C.H. Lim & Co's letter dated 5th January, 1967 a true copy of which is now produced and shown to me and marked (2).

SWORN to at Singapore this 19th day of April 1967, by the above named ANG KOON BOON.

Sd.
Ang Koon Boon

Before me,
Sd. Tan Hock Tey
A Commissioner for Oaths.

Exhibits

"J.T.16"

Further Affidavit of Ang Koon Boon 20th April 1967

"J.T.16" - FURTHER AFFIDAVIT OF ANG KOON BOON AND SCHEDULE ATTACHED

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Suit No.2180 of 1965

Writ of Seizure & Sale No.191 of 1966

B E T W E E N : UNITED OVERSEAS BANK LIMITED Plaintiff

- and -

TAY SOO TONG Defendant

I, ANG KOON BOON of No.41-B, Market Street, Singapore, do hereby make oath and say as follows:-

1. I refer to the affidavit sworn by me on the 19th instant and filed on the same day.

2. I refer to paragraph 3 of the said Affidavit. By inadvertence, the schedule mentioned in the said paragraph 3 was omitted in the said Affidavit. The three properties concerned are now as described in the Schedule attached hereto.

SWORN to at Singapore this 20th day of April 1967, by the abovenamed ANG KOON BOON.

Sd. Ang Koon Boon

Before me,

Sd. Sesui Chen

A Commissioner for Oaths.

Exhibits

"J.T.16"

Schedule to Further Affidavit of Ang Koon Boon 20th April 1967

THE SCHEDULE REFERRED TO

Item	Property	District	Lot	Mukim	Area sq.ft.	Title	Remarks
1.	26 Sea Avenue	Siglap	98^{9} (part)	XXVI	20,292	Part of Grant No.2	Order of Court in O.S.254 of 1966 dated 24.10.1966 (Lis Pendens for 12 months) Vol.1624 No.160.
2.	Nos.214/A, 216/A,218/A, 220/A,222/A, and 224/A Tanjong Katong Road	Geylang	103^{88}	XXV	12,463	Part of Grant No.91	-do-
3.	Nos.168-1 and 168-2, Jurong Road, Singapore	Bukit Timah	33	X	3A, 3R, 35P.	Lease No.1759 for 999 years	-do-

Exhibits

"J.T.16"

Affidavit of T. Natarajan 27th April 1967

"J.T.16" - AFFIDAVIT OF T. NATARAJAN

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Suit No.2180 of 1965

B E T W E E N : UNITED OVERSEAS BANK LIMITED Plaintiff

- and -

TAY SOO TONG Defendant

AFFIDAVIT OF SERVICE

I, T. Natarajan, Process Server of the High Court, Singapore, make oath and say as follows:-

1. I did on the 23rd day of March, 1967 at 3.30 p.m. go to house No.26 Sea Avenue, Singapore, for the purpose of serving a copy of the Summons-in-Chambers entered as No.441 of 1967 and an Affidavit of Mr. Eu Cheo Chye in this action on the abovenamed Defendant, Tay Soo Tong. On my arrival I was informed by a female inmate that the said Tay Soo Tong was away in Hong Kong.

2. I did on the 28th day of March, 1967 at 4.10 p.m. go to No.26 Sea Avenue, Singapore, for the same purpose and I was again informed by a female inmate that the said Tay Soo Tong was away in Hong Kong.

3. I did on the 29th day of March, 1967 at 10.30 a.m. go to the said premises for the purpose aforesaid. On my arrival, I was once again informed by the female inmate that the said Tay Soo Tong was still away in Hong Kong.

4. I have made all reasonable efforts and used all due means in my power to serve the said Defendant personally with a copy of the said Summons-in-Chambers and Affidavit, but I have not been able to do so.

5. I have accordingly endorsed on the true copy of the said Summons-in-Chambers the time, day and month respectively after each attempted service.

Exhibits

"J.T.16"

Affidavit of T. Natarajan 27th April 1967 (contd)

6. On the 4th day of April, 1967, at 12 noon I did serve a copy of the said Summons-in-Chambers and Affidavit, by posting a copy of each on the main gate of No.26, Sea Avenue, Singapore.

Sworn to at Singapore, this 27th day of April, 1967 by the abovenamed } Sd. T. Natarajan

Before me,

Sd.P. Ramso

A Commissioner for Oaths.

"J.T.16" - AFFIDAVIT OF LEE CHIN LOOI

"J.T.16"

Affidavit of Lee Chin Looi 26th May 1967

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Suit No.2180 of 1965

Writ of Seizure & Sale No.191 of 1966

B E T W E E N : UNITED OVERSEAS BANK LIMITED Plaintiff

- and -

TAY SOO TONG Defendant

A F F I D A V I T

I, Lee Chin Looi, Assistant Secretary of the Chung Khiaw Bank Limited of Nos.59/61, Robinson Road, Singapore, do solemnly and sincerely declare and affirm as follows:-

1. The 2 documents now produced and shown to me and marked "LCL-1(a)" and "LCL-1(b)" are true copies of the receipts of the title deeds of properties mentioned in the said receipts respectively held by the Bank as securities as confirmed by Tay Soo Tong.

AFFIRMED to at Singapore this 26th day of May, 1967 by the abovenamed Lee Chin Looi. } Sd. Lee Chin Looi

Before me,

Sd. Seow Wee Liang A Commissioner for Oaths

Exhibits

"J.T.16"

Exhibit "L.C.L.-1(a)" Receipt - to Affidavit of Lee Chin Looi 25th August 1958

"J.T.16" - EXHIBIT "L.C.L.-1(a)" - RECEIPT - TO AFFIDAVIT OF LEE CHIN LOOI

CHUNG KHIAW BANK, LTD.
(Incorporated in the Colony of Singapore)
Head Office Singapore.

No.58/30 25th August, 1958

RECEIVED on deposit from MR. TAY SOO TONG of No.26 Sea Avenue, Singapore the following:-

Twenty-two Title-deeds & Documents with One Plan relating to Lot 314 T.S.XII, District of Singapore Town - Area: 8,204 sq.ft. with buildings erected thereon, Nos.154,156 & 158 Middle Road and Nos.130,132,134,136,138 & 140 Waterloo Street, Singapore.
Thirteen Title-deeds & Documents relating to Lot 220 Mk.XXV, District of Geylang - Area 0a0r 22.70p with buildings erected thereon, Nos.33,33A,35 & 35A Lorong 12 Geylang Singapore.
Twelve Title-deeds & Documents relating to Lots 219-13 & 219-20 Mk.XXV, District of Geylang - Areas: 19,801 sq.ft. & 3,778 sq.ft., respectively, with buildings erected thereon, Nos.24 & 26 Guillemard Road, Singapore.

for CHUNG KHIAW BANK, LTD.

YEO GUAN KEE
Assistant Secretary.

I/We, the undersigned, confirm that the above is/are held by the Bank as security.

Dated 25th August 1958. (Sd.) Tay Soo Tong

Title Deeds deposited may (subject to any conditions agreed at the time of deposit) be withdrawn against the Depositor's or his Agent's acknowledgment only, but the Bank is under no obligation to return these or other articles deposited without the production and surrender of this receipt which should therefore be carefully preserved.

RULES OF
THE MALAYAN EXCHANGE BANKS ASSOCIATION

Exhibits

"J.T.16"

No.30

SECURITIES IN SAFE CUSTODY OR HELD UNDER LIEN

Exhibit "L.C.L.-1(a)"- Receipt - to Affidavit of Lee Chin Looi 25th August 1958

(contd)

Commission shall be charged in accordance with the following scale:-

(1) On stocks, shares, bonds, etc.

On withdrawal of scrip of a market Value up to an amount of $100,000	.. 1/8%
On any excess over the first $100,000	.. 1/16%
Minimum withdrawal charge	.. $1

(2) On Title Deeds or Leases, (other than those held by a Bank as security for facilities of any nature), Boxes, Packages, Wills, Insurance Policies and other documents, whether valued or not, or whether sealed or not:-

On each item for each calendar year or any part thereof (payable in advance)	.. $5

NOTE (A). In connection with this Rule generally, inspection or temporary withdrawal of security by a depositor may be permitted without additional charge, provided the following conditions are observed:-

(1) Inspection or temporary withdrawal takes place not more than once in each calendar quarter (non-accumulative);

(2) No alteration or addition to the relative Safe Custody Receipt is entailed;

(3) Securities temporarily withdrawn are returned to the Bank intact within 24 hours.

Exhibits

"J.T.16"

Exhibit "L.C.L.-1(a)"- Receipt - to Affidavit of Lee Chin Looi 25th August 1958 (contd)

On any infringement of the above conditions, a withdrawal is presumed to have taken place and commission where applicable becomes payable in accordance with the scale laid down.

"J.T.16"

Exhibit "L.C.L.-1(b)"- Receipt - to Affidavit of Lee Chin Looi 25th August 1958

"J.T.16" - EXHIBIT "L.C.L.-1(b)" - RECEIPT - TO AFFIDAVIT OF LEE CHIN LOOI

CHUNG KHIAW BANK, LTD.
(Incorporated in the Colony of Singapore)
Head Office Singapore.

No.58/31 25th August, 1958

RECEIVED on deposit from MR. TAY SOO TONG of No.26 Sea Avenue, Singapore the following:-

Twelve Title-deeds & Documents with One plan relating to Lot 136-3 (subdivided into Lots Nos.136-7 to 136-32 consecutively) Mukim XXVI, District of Siglap, Singapore - Area: 1a 1r 28.90p with buildings erected thereon, Nos.221 to 237 (odds) East Coast Road and Nos.1 to 17 (consecutively) Stangee Place.
Ten Title-deeds & Documents relating to Lots 27-3 & 27-4 T.S.I., District of Singapore Town, Singapore - Areas: 2,562 sq.ft. & 2,663 sq.ft. with buildings erected thereon, Nos.64 & 62 Cecil Street respectively.

For CHUNG KHIAW BANK, LTD.

YEOH GUAN KEE
Assistant Secretary

I/We, the undersigned, confirm that the above is/are held by the Bank as security.

Dated 25th August 1958 (Sd.) Tay Soo Tong

Exhibits

"J.T.16"

Exhibit "L.C.L.-1(b)"- Receipt - to Affidavit of Lee Chin Looi 25th August 1958

(contd)

Title Deeds deposited may (subject to any conditions agreed at the time of deposit) be withdrawn against the Depositor's or his Agent's acknowledgment only, but the Bank is under no obligation to return these or other articles deposited without the production and surrender of this receipt which should therefore be carefully preserved.

RULES OF
THE MALAYAN EXCHANGE BANKS ASSOCIATION

No. 30

SECURITIES IN SAFE CUSTODY OR HELD UNDER LIEN

Commission shall be charged in accordance with the following scale:-

(1) On stocks, shares, bonds, etc.

On withdrawal of scrip of a market Value up to an amount of $100,000	.. 1/8%
On any excess over the first $100,000	.. 1/16%
Minimum withdrawal charge	.. $1

(2) On Title Deeds or Leases (other than those held by a Bank as security for facilities of any nature), Boxes, Packages, Wills, Insurance Policies and other documents, whether valued or not, or whether sealed or not:-

On each item for each calendar year or any part thereof (payable in advance)	.. $5

NOTE (A). In connection with this Rule generally, inspection or temporary withdrawal of security by a depositor may be permitted without additional charge, provided the following conditions are observed:-

Exhibits

"J.T.16"

Exhibit "L.C.L.-1(b)"- Receipt - to Affidavit of Lee Chin Looi 25th August 1958

(contd)

(1) Inspection or temporary withdrawal takes place not more than once in each calendar quarter (non-accumulative);

(2) No alteration or addition to the relative Safe Custody Receipt is entailed;

(3) Securities temporarily withdrawn are returned to the Bank intact within 24 hours.

On any infringement of the above conditions, a withdrawal is presumed to have taken place and commission where applicable becomes payable in accordance with the scale laid down.

"J.T.16"

Judges Notes on hearing of Summons by Sheriff 29th May 1967

"J.T.16" - JUDGES NOTES ON HEARING OF SUMMONS BY SHERIFF

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

SUMMONS-IN-CHAMBERS No.442/67
dated 18th March 1967

Ho Kian Ping for app.

R.C.H. Lim with D. Soo and Francis Soo for Chung Khiaw Bank

K.S. Chung for United Overseas Bank

No - Defendant served by posting at his address.

R.C.H. Lim - 2 preliminary points.

I. This Summons wrongly issued by Sheriff.
Order for attachment was registered 27th October, 1966 against properties after issue of Writ of Seizure and Sale 25th October, 1966.
Sheriff brought in under O.41 r.8 page 619 Mallal on Sale by Sheriff.
r.11 page 621 (a) complied with
(b) approval of Judge not obtained.

Exhibits

"J.T.16"

Judges Notes on hearing of Summons by Sheriff 29th May 1967 (contd)

Particulars of sale were sent by Sheriff by sol. for ex. cr.

No authority for Sheriff to apply under present Summons.
O/C 14 Nov.1966 declared Chung Khiaw Bank legal mgee.

Chung: I put in list of dates and events for convenience - Ex. P1.

Lim: This summons should be not by Sheriff but, if at all, by P1tff.

On 15th November 1966 draft particulars of sale were sent to Sheriff.
O.41 r.11(b) not complied with.

II. Summons not properly served on dft. No order for substituted service.
Process Server's affidavit of 27 April 1967.
No personal service on dt. 3 attempted services. Posted s/s and aff. on gate of 26 Sea Avenue. Mallal's Practice p.73 O.9 r.14 must leave s/s with person resident at address. O.9 r.3 personal service. P.73 Mallal. Craig v. Karseen (1943) 1 A.E.R.108. O.41 requires service on dt. Dt. entitled to say to Court he has other property O.41 r.11 (c). Until s/s is served on him properly and he is given an opportunity under O.41 r.11(c).
If s/s properly issued under I then it has not been properly served.
s/s does not comply with O.41 r.11(b).
Courts Ord. Cap.3 S.107 - under which rules were made - Judicature Act repeals this.

Ho for Sheriff: Courts of Judicature Act Supp.6/66 S.25 Powers of High Court. para.3 of 1st Schedule. Additional powers. Sheriff is disinterested person. Neither party took initiative.
Judgment debtor had left jurisdiction. We could not comply with service at his address.
O.9 r.16 p.74 Mallal. Where no appearance has been entered or no address for service has been given.

Exhibits

"J.T.16"

Judges Notes on hearing of Summons by Sheriff 29th May 1967 (contd)

Apart from Judicature Act O.48 r.1 (p.699 M)

Chung: Cannot understand Mr. Lim's arguments. Not correct that neither Mr. Lim or myself took any step.

Obligatory on Sheriff to sell under O.41 subject to appointment for approval of particulars. Judgment of 14th November for sale of properties at instance of C.K. Bank was obtained without knowledge of Order of Attachment of 28th Oct. 1966.

O.41 r.11 does not arise - not relevant. O.41 r.12(2) Sheriff to apply to Court or Judge for directions when he is not in possession of indicia of title. Service O.9 r.16 is clear.

R.C.H. Lim in reply on prelim. points.
Under what Order or rule is Summons. If it is not under O.41 r.11(b) - under what is it made.

Ho: I rely on O.48

Chung: O.41 r.7 I think, on further reflection, O.48 applies.

R.C.H. Lim: Re. O.9 r.16 p.74 only applied before judgment not after. Eng.O.67 r.4 Does not apply after judgment. A. Practice 1959 p.1976.

12.40 to 2.30

Initialled: A.V. Winslow.

2.30

Lim: I would be prepared to advise C.K. Bank to have order of Court of 14th November 1966 expunged.

Chung: Then I would withdraw my Lis Pendens of 24th November 1966.

Ho: Sheriff acting in the interests of all.

re. application of Sheriff

Order: No order on Sheriff's application.

No order as to costs.

Initialled: A.V. Winslow

Certified true copy

Sd. Lim Chang Wu

Private Secretary to Winslow J.

31.5.67

Exhibits

"J.T.16"

Judges Notes on hearing of Summons by Sheriff 29th May 1967 (contd)

"J.T.16" - ORDER OF COURT

"J.T.16"

BEFORE THE HONOURABLE MR. JUSTICE WINSLOW

Order of Court 29th May 1967

In Open Court

Upon the adjourned application of the Sheriff of Singapore made by way of Summons-in-Chambers entered No.441 of 1967 coming on for hearing this day in the presence of Mr. Ho Kian Ping, State Counsel for the Sheriff of Singapore, Mr. Kok Soon Chung of Counsel for the United Overseas Bank Ltd. and Mr. Richard Chuan Hoe Lim of Counsel for Chung Khiaw Bank Ltd. And Upon Reading the Affidavit of Mr. Eu Cheow Chye, Sheriff of Singapore, sworn and filed on the 18th day of March, 1967 and the exhibits therein referred to and the Affidavit of Ang Koon Boon, sworn and filed on the 19th April, 1967 and the exhibits therein referred to and the further Affidavit of Ang Koon Boon sworn and filed on the 20th April, 1967 and the exhibit therein referred to and the Affidavit of Kok Soon Chung affirmed on the 25th day of April, 1967 and filed herein and the exhibits therein referred to and the Affidavit of T. Natarajan, process-server of the High Court, Singapore, sworn and filed on the 27th April, 1967 and the Affidavit of Jack Tan sworn and filed on the 27th day of April, 1967 and the exhibit referred to therein the further Affidavit of Jack Tan sworn and filed on the 28th day of April, 1967 and the Affidavit of

Exhibits

"J.T.16"

Order of Court 29th May 1967 (contd)

David Tar See affirmed on the 26th day of May, 1967 and the Affidavit of Lee Chin Looi affirmed on the 26th day of May, 1967 and filed herein and the exhibits referred to therein and two further Affidavits of Kok Soon Chung affirmed on the 27th day of May, 1967, and filed herein And Upon Hearing Counsel aforesaid

THIS COURT Doth make no order on the application And This Court Doth make no order as to Costs.

Dated this 29th day of May, 1967.

Sd. Tay Kim Whatt

DEPUTY REGISTRAR

"J.T.19"

Letter - Chung & Co. to R.C.H. Lim & Co. 1st June 1967

"J.T.19" - LETTER - CHUNG & CO. TO R.C.H. LIM & CO.

1st June 1967.

KSC/JT/H/295/65

Dear Sirs,

Suit No.2180 of 1965
United Overseas Bank Ltd.
v. Tay Soo Tong

We refer to the hearing of the Sheriff's Summons on the 29th of May 1967 when your Mr. Lim informed the Judge in Open Court that he would advise his clients to set aside the Order of the 14th November 1966 and to have the entry of that Order expunged from the Registry of Deeds.

Please advise us whether your clients have agreed to do this and if so when you intend to take steps to set aside the above Order.

Please let us have your early reply.

Yours faithfully,

Messrs. R.C.H. Lim & Co.,
Singapore.
c.c.M/s. United Overseas Bank Ltd., Singapore.

Exhibits

"J.T.20" - LETTER - R.C.H. LIM & CO. TO CHUNG & CO.

"J.T.20"

Letter - R.C.H. Lim & Co. to Chung & Co. 6th June 1967

RICHARD CHUAN HOE LIM & CO.,
Advocates and Solicitors
Our ref: RL/PT/TKT
Please Quote Your ref:KSC/JT/H/295/65

6th June, 1967

Dear Sirs,

Suit No.2180 of 1965
United Overseas Bank Ltd.
v. Tay Soo Tong

Referring to your letter of the 1st instant, we have advised our clients who wish to take the second opinion.

Yours faithfully,

Sd/. R.C.H. Lim & Co.

M/s. Chung & Co.,
Singapore.

"J.T.17" - LETTER - CHUNG & CO. TO THE SHERIFF, HIGH COURT, SINGAPORE

"J.T.17"

Letter - Chung & Co. to the Sheriff, High Court, Singapore 10th June 1967

10th June 1967.

SD/Ex.191/66/ECC/PC
KSC/HM/295/65

The Sheriff,
High Court,
Singapore.

Dear Sir,

re: Suit No.2180 of 1965
United Overseas Bank Ltd.
v. Tay Soo Tong

We refer to our letter of the 31st ultimo to which we have received no reply nor an acknowledgment.

Since you are unable or unwilling to

Exhibits

"J.T.17"

Letter - Chung & Co. to the Sheriff, High Court, Singapore 10th June 1967 (contd)

execute the Writ of Execution, will you kindly let us have written notice to that effect stating therein your reasons for not doing so. This request is made under Order 44 rule 5 of the Rules of the High Court.

Yours faithfully,

Sd. Chung & Co.

b.c. M/s. United Overseas Bank Ltd., Singapore.

"J.T.18"

Letter - Sheriff, High Court, Singapore, to Chung & Co. 14th June 1967

"J.T.18" - LETTER - SHERIFF, HIGH COURT, SINGAPORE TO CHUNG & CO.

SD/Ex.191/66/ECC/PC
Your ref. KSC/HM/295/65

Registry, High Court,
Singapore 6

14th June, 1967

Messrs. Chung & Co.,
Advocates & Solicitors,
Singapore.

Gentlemen,

re: Suit No.2180 of 1965
United Overseas Bank Ltd.
v. Tay Soo Tong

I refer to your letter dated 10th June, 1967.

2. I have to point out I have no intention of being obstructive in the matter. From what I understand of the results of the Sheriff's application in Summons-in-Chambers No.441/67 before Mr. Justice Winslow, the Sheriff is in no position to take any further action until the Order of Court dated 14th November 1966 in O.S.239/66 is expunged and

Order of Lis Pendens of the 24th November 1966 is withdrawn.

3. I shall ask Mr. Ho Kinn Ping to confirm this when he returns from sick leave.

I am, Gentlemen,
Your obedient servant,

Sd/- C.C. Eu
(Eu Cheow Chye)
Sheriff of Singapore.

Exhibits

"J.T.18"

Letter - Sheriff, High Court, Singapore, to Chung & Co. 14th June 1967 (contd)

"J.T.21" - LETTER - CHUNG & CO. TO R.C.H. LIM & CO.

"J.T.21"

Letter - Chung & Co. to R.C.H. Lim & Co. 12th September 1967

12th September 1967.

RL/PT/TKT
KEC/JT/MS/295/65

M/s. R.C.H. Lim & Co.,
Singapore.

Dear Sirs,

re: Suit No.2180 of 1965
United Overseas Bank Ltd.
v. Tay Soo Tong

We refer to our letter of the 1st June 1967 and to your reply of the 6th June wherein you informed us that your clients would wish to take the second opinion.

We have not heard from you since then and unless we hear from you within the next 7 days that you are prepared to apply to Court for the Order dated the 14th November 1966 to be set aside we shall take steps to do so.

Yours faithfully,

Sd. Chung & Co.

b.c. M/s. United Overseas Bank Ltd.,
Singapore.

Exhibits

"J.T.22" - LETTER - R.C.H. LIM & CO. TO CHUNG & CO.

"J.T.22"

Letter - R.C.H. Lim & Co. to Chung & Co. 15th September 1967

RICHARD CHUAN HOE LIM & CO.,
Advocates and Solicitors.

Please Quote Our Ref.RL/PT/TKT

15th Sept., 1967.

Yr. ref:KSC/JT/MC/295/65

Dear Sirs,

re: Suit No.2180 of 1965
United Overseas Bank Ltd.
v. Tay Soo Tong

Referring to your letter of the 12th instant, our clients are not prepared to apply to Court to set aside the Order of Court dated 14th November, 1966.

Yours faithfully,

Sd/- R.C.H. Lim & Co.

M/s. Chung & Co.,
Singapore.

IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL No.31 of 1968

ON APPEAL FROM

THE FEDERAL COURT OF MALAYSIA HOLDEN AT SINGAPORE (APPELLATE JURISDICTION)

B E T W E E N :

CHUNG KHIAW BANK LIMITED — Appellants (Plaintiffs)

- and -

UNITED OVERSEAS BANK LIMITED — Respondents (Applicants)

(In the matter of an application by Summons in Chambers Entered No.2393 of 1967 in Originating Summons No.239 of 1966 in the High Court in Singapore at Singapore

Between: Chung Khiaw Bank Limited
Plaintiffs

- and -

Tay Soo Tong trading as Tiong Bie Hang Defendant)

R E C O R D O F P R O C E E D I N G S

PARKER, GARRETT & CO.,
St. Michael's Rectory,
Cornhill,
London, E.C.3.

Solicitors for the Appellants

COWARD, CHANCE & CO.,
St. Swithin's House,
Walbrook,
London, E.C.4.

Solicitors for the Respondents