

Tan Lai Wah

Appellant

v.

The First National Bank of Chicago

Respondents

FROM

THE COURT OF APPEAL IN SINGAPORE

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ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE  
OF THE PRIVY COUNCIL, DELIVERED THE 8TH FEBRUARY 1984

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*Present at the Hearing:*

LORD DIPLOCK  
LORD KEITH OF KINKEL  
LORD SCARMAN  
LORD BRIGHTMAN  
SIR DENYS BUCKLEY

*[Delivered by Lord Diplock]*

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This is an appeal brought by a Chinese lady who had been a successful land broker for 17/18 years. The appeal is against a judgment for moneys payable under a guarantee of an overdraft entered into as long ago as 1974. The only defence persisted in before their Lordships was one of non est factum to the guarantee which was signed. It was first raised some 15 months after the defence had originally been filed. The learned trial judge surprisingly upheld that defence. His judgment was reversed by the Court of Appeal for reasons with which their Lordships can find no fault. Their Lordships would merely refer to the last sentence of the Court of Appeal's judgment on this particular issue:-

"It is also our view that having regard to her long experience as a land broker and other spheres of business as previously set out - factors which the learned trial judge appeared to have not considered - her mere assertion that she thought the document she signed was one guaranteeing her a half share in [that parcel of land] was unbelievable."

While paying a deserved tribute to the ingenious and seductive arguments advanced by Mr. Beveridge in an endeavour to uphold the judgment of the trial judge, their Lordships must nevertheless dismiss the appeal with costs.

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