

33/84

IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

ON APPEAL  
FROM THE COURT OF APPEAL OF THE REPUBLIC OF  
SINGAPORE

B E T W E E N :

CHOO KOK BENG Appellant  
(Plaintiff)  
- and -

- 10 1. CHOO KOK HOE
- 2. CHOO KOH ENG
- 3. CHOO CHENG CHEW and  
CHOO KOK HOE as Administrators of  
the Estate of CHOO KOK LEONG, deceased
- 4. CHOO ENG HAI
- 5. HENRY CHENG CHEW CHOO Respondents  
(Defendants)

CASE FOR THE RESPONDENTS

RECORD

20 1. This is an Appeal from the Order of the Court of Appeal of the Republic of Singapore (Wee Chong Jin, C.J., T.S. Sinnathuray and Chua J.J.) dated the 17 February 1982 allowing the appeals of the Respondents No. 113 of 1980 and No. 1 of 1981 from the Judgment of Rajah J. who having found declared and ordered on the 23 April 1980 (inter alia):

No. 31 at p. 130

No. 22 at p. 84

(1) That the 1st Respondent had acted on behalf of the Appellant in the purchase of land known as Jalan Jermin and that the Appellant paid the purchase price therefor out of his own funds.

30 (2) That the title deeds to the immovable property at Jalan Jermin, marked on the Government Resurvey Map as Lots 2994, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3003 of MK 24, the subject matter of the action, had been in the possession of the Plaintiff and that he handed them to the 1st Respondent for the purpose of applying for separate Certificates of Title for each of the said Government Resurvey lots.

RECORD

(3) That the action should stand adjourned to enable the parties to consider their respective positions in the light of the said declarations.

No. 22 at p. 85

Went on to further declare and order on the 5 December 1980 that :

" THIS COURT DOTH FURTHER DECLARE that the 1st and 3rd Defendants are entitled to an equitable interest in the said land and premises known as Nos. 1, 3, 5, 7, 9, 11, 15, 17, 19 and 21 Jalan Jermin, Singapore arising by virtue of the expenditure of moneys by them on the development of the said land and premises and subsequently on improvements of a capital nature together with interest thereon.

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AND THIS COURT DOTH ORDER (1) that the said land and premises do stand charged with the repayment to the 1st and 3rd Defendants of all moneys expended by them as aforesaid in respect of the said land and premises (2) that this action be remitted to the Registrar for an enquiry as to the amount of money expended by the 1st and 3rd Defendants as aforesaid and for an account of all income and expenditures arising from and in respect of all the said land and premises and as to the proper rate or rates of interests prevailing during the period since the original expenditure up to the present date (3) that the capital amount of the charge aforesaid shall be the amount found due upon the said enquiry and account.

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AND THIS COURT DOTH reserve judgment on the question of interest payable by the Plaintiff to the 1st and 3rd Defendants as aforesaid. AND THIS COURT DOTH make no order as to costs and DOTH ORDER that all parties be at liberty to apply herein."

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No. 31 at p. 130

The Court of Appeal unanimously allowed the appeals of the Respondents from Rajah J's said Order.

2. The appeals arose out of a dispute involving the Appellant and the Respondents over the beneficial ownership of ten semi-detached dwellinghouses known as Nos. 1, 3, 5, 7, 9, 11, 15, 17, 19 and 21 Jalan Jermin, Singapore. These ten houses were built and completed in 1967 on five pieces of vacant land known as Lots 184-204, 184-205, 184-206, 184-207 Mukim 24 (hereinafter referred to as "the land"). The Appellant and the 1st and 2nd Respondents are brothers, as was Choo Kok Leong,

No. 12 at p. 47

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No. 12 at p. 46

Deceased. The 4th and 5th Respondents are the sons of the 2nd Respondent. Originally, Lee & Lee, Solicitors had been joined as 6th Defendant but the Plaintiff withdrew his claims against Lee & Lee before the action came to Trial.

3. In addition to the facts set out in paragraph 2 hereof, the essential facts as found and admitted (or not disputed) are as follows :

- 10 (1) The said land together with two other pieces of vacant land in the same district known as Lots 184-215 and 184-216 Mukim 24 were purchased by the 1st Respondent who attended an auction in February 1954. His successful bid for the said land and the two other pieces was a total of \$17,992/-. No.12 at p.46
- 20 So far as the two other pieces were concerned they were registered in the 1st Respondent's name and subsequently sold by him at a profit. So far as the said land was concerned the 1st Respondent paid the 25% deposit using a cheque on his personal bank account. No.17 at p.63
- 20 In March 1954, the 1st Respondent engaged Solicitors, Laycock & Ong and through them paid the 75% balance of the said purchase price together with certain conveyancing and other expenses by a further cheque on his personal bank account. He received the title deed from Laycock & Ong and gave a written acknowledgment of receipt. 1D10 at p.231  
No.17 at p.64  
1D10 at p.231  
1D24 at p.235
- (2) The said land was conveyed and registered in the name of the Appellant. No.12 at p.46
- 30 (3) Sometime after the purchase referred to in (1) above, the said land was let as vacant until 1964. During all this time, the 1st Respondent received all the said rent and paid the assessments or property tax payable in respect of the said land. No.17 at p.65  
No.12 at p.47
- (4) In July 1963, the 1st Respondent instructed a firm of architects to seek planning approval for the amalgamation and sub-division and erection of one semi-detached dwelling house on each of the proposed ten sub-divided lots in respect of the said land and planning permission was eventually granted. No.16 at p.60
- 40 The 1st Respondent paid the said firm of architects' fees.
- (5) In May 1967, the ten semi-detached dwelling houses were completed at the total cost (excluding the cost of the said land) of \$204,000/- which was paid by the 1st Respondent and Choo Kok Leong, deceased out of monies of a building construction No.17 at p.65

RECORD

No.17 at p.63

firm called the Chin Choon Company of which they were partners.

No.12 at p.47

(6) After completion in May 1967, these ten semi-detached houses were numbered 1, 3, 5, 7, 9, 11, 15, 17, 19 and 21 Jalan Jermin,

No.12 at pp.65, 67

Singapore. The 1st Respondent took possession of Nos. 1, 3, 15 and 17; the 2nd Respondent took possession of Nos.9 and 11; Choo Kok Leong,

No.12 at p.48

deceased, took possession of Nos. 5 and 7; and the Appellant took possession of Nos. 19 and 21. The 2nd Respondent let No. 11 and permitted the 4th Respondent to occupy No. 9. The 5th

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No.17 at p.65

Respondent was permitted to occupy No. 7. The property tax in respect of the said semi-detached houses was paid by the Respondents up to the

No.12 at p.48

second half of 1971. Thereafter, the Appellant who was in dispute with the Respondents paid the property tax up until the first half of 1974, after

which said date the Respondents resumed payments of the said property tax.

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No.17 at p.65

(7) In May 1968, the 1st Respondent called upon Mrs. Irene Ng of Lee & Lee, Solicitors and

No.19 at p.75

handed her the title deeds in respect of the said land (other than one title deed Conveyance registered in Vol. 1107 No.128 that was missing.

Subsequently when the missing deed was found in 1979 it was handed over to Messrs. Allen and Gledhill.) The 1st Respondent instructed Mrs. Ng as follows :-

No.17 at p.66

(a) That he had paid the monies to purchase the said land but had put the land in the Appellant's name.

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No.19 at p.75

(b) That she was to obtain separate certificates of title for each of the ten semi-detached houses.

No.19 at p.75

(c) Thereafter she was to prepare separate Deeds of Trust in respect of the Respondent as follows :-

House No.

15 and 17

1st Respondent

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11

2nd Respondent

9

4th Respondent

5 and 7

Choo Kok Leong

1

Choo Eng Aw

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Choo Eng Chew

(8) In October 1968 the Appellant came to see Mrs. Irene Ng at her request. She had prepared a Primary Application under the Land Title Ordinance 1956 but the Appellant informed her that before signing the said Primary Application he wanted letters from the 1st, 2nd, 4th Respondents and from Choo Kok Leong stating (inter alia) that they would pay the property tax in respect of the said houses. At no time during this meeting did the Appellant suggest that he was the beneficial owner of the said land and/or the semi-detached houses.

No. 19 at p. 75

1D25 at p. 236

(9) Mrs. Irene Ng submitted the said Primary Application to the Registrar of Titles who in April 1969 wrote to her stating that qualified titles could be issued provided a Statutory Declaration of possession was shown, because a title deed, being a conveyance registered in Vol. 1107 No. 128, was missing. She thereupon informed the 1st Respondent of this but he was unable at that stage to find the missing title deed. Thereafter, dispute arose between the Appellant and the Respondents and the said Statutory Declaration was never signed and the title deeds remained with Lee & Lee.

No. 19 at pp. 75,  
76  
PAB1-138 at  
p. 154

(10) In June 1979, the 1st Respondent found the missing title deed in his office at 99 Albert Street.

No. 17 at p. 66

4. During the trial the Appellant made the following allegations :-

(1) That he had given the 1st Respondent the 25% of the purchase price for the said land in cash.

No. 12 at p. 46

30 (2) That he had reimbursed the 1st Respondent in cash for the 75% balance of the purchase price and the conveyancing costs.

No. 12 at p. 46

(3) That in 1954 he had lent the 1st Respondent \$50,000/- in cash.

(4) That in 1956 he had lent the 1st Respondent a further \$50,000/- in cash.

(5) That in 1958 he had lent the 1st Respondent a further \$50,000/- in cash.

No. 12 at pp. 46,  
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40 (6) That in 1959 he had lent the 1st Respondent a further \$50,000/- in cash making a total loan of \$200,000/-.

RECORD

No. 12 at p. 47  
P1-17 at p. 229

(7) That he had made entries in respect of the purchase of the said land and of the \$200,000/- loan in a note book and that each entry was made immediately after the event.

No. 12 at p. 47

(8) That in early 1962, he had requested repayment of the \$200,000/- loan as he wanted to redevelop the said land, but because the 1st Respondent was unable to pay him, it had been orally agreed that the 1st Respondent would undertake to build on the said land ten semi-detached houses at a cost of \$187,000/- which would be set off against the said debt of \$200,000/-, the balance of \$13,000/- to be repaid before the end of 1966. 10

No. 12 at p. 48

(9) That in 1967, he and the 1st and 2nd Respondents and Choo Kok Leong orally agreed that the 1st Respondent would exchange Nos. 1, 3, 15 and 17 Jalan Jermin against his properties in (Surrey) Lincoln Road and Everton Road, that the 2nd Respondent would exchange Nos. 9 and 11 Jalan Jermin against his property at No. 8 Norfolk Road, that Choo Kok Leong would exchange Nos. 5 and 7 Jalan Jermin against his properties in Hindoo and Norris Road, and lastly they would execute all necessary transfers to effectuate the agreed exchanges when the Jalan Jermin development was completed sometime in 1968. 20

No. 12 at p. 48

(10) That on completion of the Jalan Jermin development, he handed over possession of four semi-detached houses to the 1st Respondent and two semi-detached houses each to the 2nd Respondent and Choo Kok Leong but that they have failed to transfer their respective properties to him. 30

5. The Learned Judge found as express facts (inter alia) :

No. 23 at p. 92

(1) That the loans set out in paragraphs 4(3), (4), (5) and (6) (inclusive) were never made to the 1st Respondent. 40

No. 23 at p. 92

(2) That there was no request for repayment as alleged in paragraph 4(8) hereof.

(3) That the said Jalan Jermin semi-detached houses were developed by and paid for by the Chin Choon Company partnership in which the

1st Respondent and Choo Kok Leong were equal partners.

(4) That this development took place with the knowledge and consent of the Appellant.

No. 23 at p. 92

(5) That the agreements referred to on paragraph 4(9) hereof (hereinafter referred to as the "Exchange Agreement") never in fact took place.

6. The Learned Judge found by implication :-

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(a) That the Appellant was not telling the truth when he alleged that there was an oral agreement whereby the costs of construction of \$187,000/- would be set off against the \$200,000/- loan and that the balance of \$13,000/- was to be repaid to the Appellant before the end of 1966.

(No. 23 at p. 92)

(b) That the said entries referred to in paragraph 4(7) hereof were forgeries in that they were false and not made immediately after the event.

P1-17 at p. 229

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The Appellant did not challenge by way of Cross Appeal or at all the Learned Judge's said findings of fact.

7. The Issue

The Court of Appeal found that having regard to all the oral and documentary evidence that the trial judge was plainly wrong in deciding that the Appellant paid the purchase price and had possession of the title deeds of the said land, and that his decision ought to have been the other way. It is respectfully submitted that the Court of Appeal were plainly right.

No. 32 at p. 143

8. The Law

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It is conceded that not to have seen the witnesses always puts an Appellate Judge in a permanent position of disadvantage as against the trial Judge, and that a Court of Appeal will hesitate long before it disturbs the findings of a Trial Judge based on verbal testimony. Nevertheless an Appeal is by way of rehearing

v O S7(2) of the Singapore Rules of Supreme Court 1970  
S37(1) of the Supreme Court of Judicature Act

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and it is respectfully submitted that a Court of Appeal is entitled to reverse a Trial Judge on findings of fact (inter alia) in the following circumstances :

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(1) If he has clearly failed on some point to take account of particular circumstances or probabilities material to an estimate of the evidence or has given credence to testimony which is substantially inconsistent with itself or with undisputable fact

v Khoo Sit Hoh V Lim Thean Tong (1912)  
AC323 at 325

(2) That an impression as to the demeanour of a witness ought not to be adopted by a Trial Judge without testing it against the whole of the evidence of the witness in question. If it can be demonstrated to conviction that a witness whose demeanour has been praised by the Trial Judge has on some collateral matter deliberately given an untrue answer, the favourable view formed by the Judge as to his demeanour must necessarily lose its value

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v Yuill V Yuill 1945 P 15 at 19

When an appellate Court is convinced that the Trial Judge has formed a wrong impression, it is entitled and indeed bound to give effect to its conviction.

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Yuill V Yuill 1945 P 15 at 19

There may obviously be other circumstances, quite apart from manner and demeanour, which may show whether a statement is credible or not; and these circumstances may warrant the Court in differing from the Trial Judge, even on a question of fact turning on the credibility of witnesses whom the Court has not seen.

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v Coghlan V Cumberland (1898) 1 Ch 704 at 705

When a question of fact has been tried by a Trial Judge and there is no question of misdirection of himself, an appellate Court should not come to a different conclusion unless it is satisfied that any advantages enjoyed by the Trial Judge by reason of having seen or heard the witnesses, could not be sufficient to explain or justify the Trial Judge's conclusion.

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v Watt or Thomas v Thomas 1947 AC at 486

The Appellate Court, either because the reasons



given by the Trial Judge are not satisfactory, or because it unmistakably so appears from the evidence, may be satisfied that he has not taken proper advantage of his having seen or heard the witnesses, and the matter will then become at large for the Appellate Court.

v Watt or Thomas v Thomas (Supra) at 488

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Where oral self-interested testimony is conflicting on a particular matter, and there is contemporaneous or near contemporaneous documentary evidence relevant to the matter before the Court, such evidence should also be given due consideration by the Court, particularly if such documents came into existence long before the matter in question became one of dispute between the parties.

v The First National Bank of Chicago v Tan Lai Wah (1981) 2 MLJ 100

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Where a Trial Judge makes a finding of fact based on oral evidence that is inconsistent with the circumstantial evidence and that oral evidence does not give a credible explanation for such inconsistencies, an Appellate Court is justified in reversing him on his findings of fact.

v Kim Guan and Co Sdn Bhd v Yong Nyee Fan and Sons Sdn Bhd 1983 2 MLJ 8

9. The Respondents submit on the following grounds that the appeal is misconceived.

First

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The Trial Judge gave no reasons why he found that the 1st Respondent acted on behalf of the Appellant in the purchase of the said land and that the Appellant paid the purchase price and had possession of the said title deeds.

No. 23 at p. 92  
No. 32 at p. 142

Second

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The Trial Judge based his said findings, "entirely on the credibility or otherwise of the witness testifying before (him)". Yet the Appellant and his witnesses (his wife and son) had no credibility. On the Learned Judge's own findings (both express and implied) the Appellant was a deliberate and consummate perjurer who was prepared to commit forgery (namely the entries in his

No. 23 at p. 92  
No. 23 at p. 92

RECORD

note book) in order to support his case, and his wife and son also deliberately told lies in an attempt to corroborate the Appellant's story in respect of the \$200,000/- loans

No. 13 at p. 54  
No. 15 at p. 58

Third

The Learned Judge arrived at his findings favourable to the Appellant without adequate scrutiny and consideration of the evidence as a whole. If he had given such adequate scrutiny and consideration, he would have taken into account and found :-

No. 32 at p. 143

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No. 17 at p. 64

(1) That the 1st Respondent paid the \$4,448/- (25% of the purchase price) and the \$13,344.32 (the balance plus costs) by two cheques drawn on his personal account and produced at the trial. Accordingly the Appellant, in the absence of evidence to the contrary, would hold the said land as trustee for the 1st Respondent

1D10 at p. 231

v Pettit v Pettit 1970 AC 777 at 814

and the burden of proof would be on him to show by way of repayment of the purchase price or otherwise that he was anything more than a mere trustee.

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No. 17 at p. 65  
No. 12 at p. 50

(2) That the Chin Choon Partnership (i. e. the 1st Respondent and Choo Kok Leong) let out the said land and collected and kept the rent of \$150/- a month.

No. 12 at p. 48

(3) That the 1st and 3rd Respondents were in possession of the said land and thereafter in possession of the said ten semi-detached houses.

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No. 17 at p. 65

(4) That the Chin Choon Partnership (i. e. the 1st Respondent and Choo Kok Leong) built and paid for the said ten semi-detached houses on the said land, and further paid the property taxes thereon for many years and kept the rents arising therefrom.

That the matters referred to in (2), (3) and (4) above took place with the full knowledge of the Appellant.

No. 19 at p. 75

(5) That Mrs. Irene Ng's evidence relating to what the 1st Respondent told her was consistent with the Respondents' case. Further,

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her evidence relating to the Appellant's visit was inconsistent with the Appellant's case and furthermore once his story in respect of the Exchange Agreement was rejected by the Trial Judge there was no reason for him to call upon Mrs. Irene Ng at all or take part in the splitting of the title in respect of the said land and houses.

10 (6) That the Appellant's story was inherently improbable in many respects including the following :-

(a) That he provided the 1st Respondent with monies to pay the 25% of the purchase price to the auctioneers when he could not have known at what price the said land would be auctioned.

No. 12 at pp. 46, 49

(b) That there was no reason why as a post-man he could not buy land himself.

No. 12 at p. 52

20 (c) If he really had been the beneficial owner of the said land he would not have allowed his brother to let the land in 1959 and keep the rents. Further it is inconceivable that he did not know (as he stated) that the said land had been let to a tenant from 1959 to 1964 at \$150/- a month.

No. 17 at p. 65

No. 12 at p. 50

30 (d) If he really had been the beneficial owner of the said land he would not have allowed his brother to instruct and pay for architects, to apply and obtain Planning Permission and thereafter to spend \$204,000/- on constructing the said ten houses, nor would he have allowed them to enter into possession, and thereafter spend further monies by way of improvements and property taxes.

No. 17 at p. 65

No. 16 at p. 60

40 (e) If he really had been the beneficial owner of the said land he would not have permitted some of the houses to be let and for his brothers to keep the rentals in respect thereof.

No. 17 at p. 67

No. 20 at p. 77

(f) If he really had been the beneficial owner of the said land, on the basis that the alleged "Exchange Agreement" never took place, he would never have taken part in the splitting of the title and/or omitted to tell

No. 12 at p. 48

Mrs. Irene Ng that he was the beneficial owner of the said land.

(g) That the title deeds were in his possession prior to May 1968. Further by reason of the matters set out in paragraph 3 (1) and (7) hereof the burden of proof was upon the Appellant to satisfy the Learned Judge that he had possession of the title deeds at all times prior to handing them to the 1st Respondent shortly before the latter visited Mrs. Irene Ng in May 1968.

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10. The Respondent accordingly contended that this appeal should be dismissed and that the judgment of the Court of Appeal should be upheld for the following among other reasons :-

BECAUSE the Learned Judge clearly misdirected himself by basing his findings "entirely on the credibility or otherwise of the witnesses testifying before (him)."

BECAUSE the Learned Judge made his findings of fact in favour of the Appellant without adequate scrutiny and consideration of all the evidence before him.

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BECAUSE the Learned Judge failed to appreciate in all the circumstances the basic improbabilities of the Appellant's story.

BECAUSE the Learned Judge, in view of the Appellant's perjury and misconduct in respect of other aspects of the case, should have directed himself that it was dangerous to accept the Appellant's evidence unless the same was corroborated by some admitted fact or on the evidence of some independent credible witness.

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BECAUSE the Learned Judge was plainly wrong in deciding that the Appellant paid the purchase price and had possession of the title deeds of the said land.

11. If, contrary to the Respondents' submissions, the Judicial Committee allow this Appeal on the basis that the Appellant paid for the said land and is the legal and beneficial owner thereof, the Respondents would respectfully ask them to consider a further point (hereinafter referred to as the "Equity" Point) which said point was fully argued before the Trial Judge and before the Court of Appeal, but formed no part of the

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Court of Appeal's judgment. The matter arose in the following way :

On the 23rd April 1980, Rajah J. informed the parties that on his findings he could dismiss the claim and the counterclaim as their pleas on the pleadings did not envisage the said findings, but that he would adjourn the matter to Chambers. On the 28 November 1980, the parties again appeared before Rajah J. who having been referred to S3(d) of the Civil Law Act ruled that he had jurisdiction and with the consent of the parties went on to hear the Equity Point and eventually made the Order set out on pages 3 and 4 hereof. On the 15 February the Court of Appeal gave the Respondents leave to adduce additional evidence relating to the substantial increase in property value of the said ten semi-detached houses between 1967 and December 1981.

No. 21 at p. 82

No. 28 at p. 109

No. 29 at p. 110

On the 23 July 1982, the Court of Appeal gave their grounds of judgment in respect of the Respondents' Appeal but did not deal with the Equity Point.

No. 32 at p. 133

Thereafter, the Respondents have tried in correspondence to persuade the Appellant to include the Equity Point in his case so that the Judicial Committee could deal with the matter if they thought it was desirable so to do, but the Appellant has refused so to do. The said correspondence is exhibited hereto and marked "A".

On the 15 November 1983, the Registrar to the Privy Council advised the parties (inter alia) that the Respondents could include in their case their submissions on the Equity Point at their own risk as to costs but he could not compel the Appellant to make submissions on the Equity Point in his case.

## 12. The Equity Point

By S3(d) of the Civil Law Act (Cap 30) "the Court shall recognise and take notice of all equitable estates, titles and rights, and all equitable duties and liabilities, appearing incidentally in the course of any cause or matter, in the same manner in which the Court on its equity side would have recognised and taken notice of the same, in any suit or proceedings duly instituted therein before the first day of January 1879".

If, contrary to the Respondent's submissions the Judicial Committee were to restore Rajah J's findings namely that the Appellant purchased the said land,

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nevertheless Rajah J. also found :-

- No. 23 at p. 92 (a) That the said land was developed and paid for by the partnership in which the 1st Respondent and Choo Kok Leong were equal partners (it not being disputed that the said development cost \$204,000/-).
- No. 23 at p. 92 (b) That this development took place with the knowledge and consent of the Appellant.
- No. 23 at pp. 93, 94 (c) That the 1st Respondent and 3rd Respondent were entitled to an equitable interest in the said land and premises arising by virtue of the expenditure of monies by them on the development of the said land and premises and subsequently on improvements of a capital nature together with interest thereon. 10

The Respondents would respectfully submit that Rajah J. was clearly right as to his findings set out in (a), (b) and (c) above.

- No. 18 at p. 74 13. At the Trial before Rajah J. Cheong Thiam Siew, a Fellow of the Institution of Surveyors gave unchallenged evidence that the 1966 market prices of Nos. 1, 3, 5, 7, 9, 11, 15 and 17 Jalan Jermin would have totalled \$382,000/- for the eight houses. On the 17th February 1983 the Court of Appeal of the Republic of Singapore gave leave to adduce the additional evidence of Tan Kim Choon, Fellow of the Royal Institute of Chartered Surveyors who deposed (inter alia) as follows :- 20

(1) That he agreed with Cheong Thiam Siew that the 1966 market value of the said eight houses would total \$382,000/-. 30

(2) That the market value of the land alone in March 1967 with Planning Permission was \$117,000/- and without Planning Permission \$78,000/-.

- No. 29 at pp. 111, 112 (3) The total market value of the said eight houses together with their individual plots of land was :

(a) In May 1967	\$ 320,000/-	
(b) In December 1980	\$1,925,000/-	40
(c) In December 1981	\$3,225,000/-	

(4) That the said market values of the eight houses together with their individual plots of land was likely to increase by 10% per annum over the next three years.

The said evidence of Tan Kim Choon was not challenged in the Court of Appeal of Singapore. From this evidence it can be seen that between May 1967 and December 1981 the market value of the said eight houses and land has increased over ten times and by 1984 is likely to have the said market value increased by a further 30%. Rajah J. has largely ignored or failed to take into account this huge increase in market value of some \$2,905,000/- in his Order of the 5 December 1980.

No.22 at p.84

14. It is respectfully submitted that Rajah J. was right to find that the 1st and 3rd Respondents were entitled to an "equitable interest" in the land

No.23 at p.93

v Dillwynn v. Llewelyn (1862) 4 DeGFand  
J 517 Ramsden v. Dyson (1866) LR 1 HL  
129 HL(E) Plimmer v. The Mayor, Councillors and  
Citizens of the City of Wellington (1884) 9 A.C.699

If the owner of the land allows another to expend money on the land under the expectation created or encouraged by the owner that he will be able to remain there, that raises an equity in the licensee such as to entitle him to stay.

v Inward v. Baker 1965 2 QB 29

The real issue raised by this part of the Appeal is to decide what is the extent of the equity and what is the relief appropriate to satisfy the equity.

v. Crabb v. Avin DC (1976) 1 Ch 179

The Court must look at all the circumstances in each case and decide what is just having regard to the way in which the licensee has changed her position for the worse by reason of the acquiescence and encouragement of the legal owner.

v. Plimmer's case (supra) at page 714  
Pascoe v. Turner 1979 1 WLR 431

The Court's powers to grant relief to satisfy the equity are unfettered. In Inward v. Baker (supra) the licensee was allowed to remain "as long as he deserves to as his home".

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In Plimmer's case (supra) the licensee acquired "an indefinite, that is, practically, a perpetual right to the jetty for the purposes aforesaid".

- No. 23 at p. 92
15. On the facts as found by Rajah J. the Appellant's only contribution was that in 1954 he furnished the 1st Respondent with part of the \$17,992/- to purchase the said land. Thereafter he stood by and with knowledge allowed the Respondents or some of them to do (inter alia) the following :-
- (1) To let the said land until 1964 and keep the rents arising therefrom. 10
  - (2) Pay the assessments or property tax on the said land.
  - (3) Allow them after 1964 to go into possession of the said land.
  - No. 17 at p. 65
  - (4) To instruct architects to seek planning approval and thereafter supervise the building of the ten houses on the said land.
  - (5) Stand by in 1967 and allow them to expend \$204,000/- on the building of the said ten houses and development of the said land. 20
  - PAB1-138 at pp. 169, 170, 171, 173, 174
  - (6) Thereafter to allow them and/or their licensees to occupy the said ten houses and consent to such occupation up to 1971.
  - No. 17 at p. 65
  - (7) Allowed them to pay all outgoings in respect of the said land and houses (including property taxes) up to 1971.
16. By reason of the matters set out in paragraph 15 hereof it is submitted that the Appellant did create or encourage an expectation in the Respondents that they could stay on in occupation of the said eight houses and land. It is further respectfully submitted that Rajah J. misdirected himself by failing to take these matters into account. 30
17. If (which is denied) the Appellant is both the legal and beneficial owner of the land it is respectfully submitted that the relief or remedy that would satisfy the equity as being just in all the circumstances would be as follows :-
- (a) that the Appellant at his own expense should immediately take all necessary steps to convey 40



the freehold in the said eight houses to the 1st, 2nd and 3rd Respondents in the proportions set out in paragraph 3(6) hereof.

(b) That the Appellant should have the legal and beneficial freehold ownership of 19 and 21 Jalan Jermin the total value of which in December 1981 was \$850,000/-.

No. 29 at p. 117

Alternatively, such other relief as would be just in all the circumstances.

10 18. The Respondents accordingly contend that even if Rajah J's findings are restored as to the Appellant being the legal and beneficial owner of the land, nevertheless the Appeal should be dismissed.

COLIN ROSS-MUNRO Q.C.

K.S. LO

EXHIBIT A

- 7.10.82 Letter from M/s Allen & Gledhill to Mr. L.A.J. Smith.
- 12.10.82 Letter from Mr. L.A.J. Smith to M/s Allen & Gledhill.
- 24.01.83 Letter from Mr. L.A.J. Smith to M/s Allen & Gledhill.
- 27.01.83 Letter from M/s Allen & Gledhill to Mr. L.A.J. Smith.
- 22.02.83 Letter from Collyer-Bristow to Coward Chance, London. 10
- 31.03.83 Letter from Coward Chance to Collyer-Bristow, London.
- 28.07.83 Letter from Coward Chance to Collyer-Bristow, London.
- 24.08.83 Letter from Collyer-Bristow to Coward Chance, London.
- 7.10.83 Letter from Coward Chance to Collyer-Bristow, London.
- 12.10.83 Letter from Collyer-Bristow to Coward Chance, London. 20
- 14.10.83 Letter from Coward Chance to Collyer-Bristow, London.
- 1.11.83 Letter from Coward Chance to Collyer-Bristow, London.
- 7.11.83 Letter from Coward Chance to Collyer-Bristow, London.
- 8.11.83 Letter from Collyer-Bristow to Coward Chance, London.
- 14.11.83 Letter from Coward Chance to Collyer-Bristow, London. 30

7 October 1982

Mr. L.A.J. Smith  
Advocate & Solicitor  
Suite Nos. 1508-1509  
15th Floor  
Straits Trading Building  
Battery Road  
Singapore 0104

10 Dear Sir

Re: Privy Council Appeal No. 42 of 1982

We refer to the above appeal.

20 Our clients have been advised by their Counsel to suggest to you that as the Court of Appeal has not dealt with the equity point argued before it, both sides should in their respective cases deal with the point so that it could be argued out if need be before their Lordships. Our clients' counsel has indicated that unless this is done, their Lordships may decline to hear arguments on the equity point (should the point arise) since the Court of Appeal has not dealt with it and the matter would then have to be remitted back to Singapore for decision by the Court of Appeal. This would entail unnecessary costs and inconvenience all round.

We would be grateful if you could kindly confirm your agreement to our proposal.

Yours faithfully

(Sd.) ALLEN & GLEDHILL

c. c. Clients

RECEIVED  
1982 OCT 13 AM 11:10  
ALLEN & GLEDHILL

L.A.J. SMITH  
Advocate & Solicitor

Suite Nos. 1508-1509,  
15th Floor,  
Straits Trading Bldg.,  
No.9, Battery Road,  
Singapore, 0104.  
Telephone: 95771

Your Ref: KSL/WN/1331/79  
Our Ref: LAJS/GN/2290/80

10

12th October, 1982.

M/s. Allen & Gledhill,  
2401, OCBC Centre,  
Chulia Street,  
Singapore, 0104.

Dear Sirs,

Re: Privy Council Appeal No. 42 of 1982

I am in receipt of your letter of the 7th October, 1982  
upon which I am taking my client's instructions and will  
revert in the very near future.

20

Yours faithfully,

(Sd.) L.A.J. SMITH

RECEIVED  
1983 JAN 26 AM 10:40  
ALLEN & GLEDHILL

L.A.J. SMITH  
Advocate & Solicitor

Suite No. 1502,  
15th Floor,  
Straits Trading Bldg.,  
No. 9, Battery Road,  
Singapore, 0104.  
Telephone: 911564

10           Your Ref: KSL/WN/1331/79  
              Our Ref: LAJS/GN/2290/80

24th January, 1983

M/s. Allen & Gledhill,  
2401, OCBC Centre,  
Chulia Street,  
Singapore, 0104.

Dear Sirs,

Re: Privy Council Appeal No. 42 of 1982

20           I would refer to your letter of the 7th October, 1982 in  
              which you enquire whether we would be agreeable to the issue  
              regarding the equity being determined by the Privy Council  
              in the event of our succeeding in this appeal on the facts.

I find it difficult to understand in what circumstances  
the Privy Council would be concerned with the question of the  
equity but it appears there is something to be said for the  
parties respective Counsel discussing the matter to reach a  
conclusion as to whether there is any justification for dealing  
with the question of equity in the parties written cases.

We are now in the process of preparing the Record.

30           Counsel advises that the following documents be omitted  
              from the Record to be laid before the Privy Council.

pages 53 - 64	Plaintiff's List of Documents.
pages 152 - 154	Notice of Appeal by 1st, 3rd and 5th Defendants.
pages 155 - 156	Certificate for Security for Costs.
pages 157 - 158	Notice of Appeal by 2nd and 4th Defendants.
pages 159 - 160	Certificate for Security for Costs.
pages 175 - 176	Notice of Intention.
40           pages 177 - 178	Notice of Motion.

pages 183 - 199	Exhibit to Affidavit.	
pages 206 - 207	Exhibit to Affidavit.	
pages 208 - 211	Exhibit to Affidavit.	
pages 237 - 239	Duplicated Order (see pages 234-236)	
pages 243 - 246		
pages 251 - 258		
page 261		
pages 266 - 271		
pages 273 - 286		
pages 290 - 291		10
page 294		
pages 302 - 305		
pages 316 - 337		
pages 344 - 361		
pages 363 - 367		
pages 370 - 375		
pages 378 - 486		
pages 508 - 544		
pages 555 - 565		
pages 568 - 576		20
pages 582 - 583		
pages 586 - 589		
pages 611 - 615		
page 618		
pages 620 - 627		
pages 628 - 648		

Would you as a matter of urgency be good enough to let me have your views.

If you insist on any of these documents going in please let us know by return. 30

Yours faithfully,

(Sd.) L.A.J. SMITH

c.c. Client.

P.S.

If there are any others you want omitted please let me know.

L.A.J.S.

KSL/WN/1331/79

LAJS/GM/2290/80

27 January 1983

Mr. L.A.J. Smith  
Advocate & Solicitor  
Suites No. 1502, 15th Fl  
Straits Trading Building  
Battery Road  
Singapore 0104

Dear Sir

10 Re: Privy Council Appeal No. 42 of 1982

We thank you for your letter of the 24 January 1983.

20 Since we do not have a copy of the Record sent to the Privy Council, it is not possible for us to identify most of the documents to which you refer by page numbers. As we understand, the usual practice is for your London agents to submit the draft record to our London agents with their proposal as to the documents not to be reproduced. May we suggest that we adopt the usual practice. This will enable our London agents to take Counsel's advice on the Record and they will then be able to propose such other documents which we may wish to omit. We would be grateful if you could kindly confirm that this is agreeable to you.

We are taking our clients' instructions on paragraphs 1 and 2 of your letter and will revert shortly.

Yours faithfully

(Sd.) ALLEN & GLEDHILL

c. c. Clients  
c. c. M/s J. B. Jeyaretnam & Co.

COLLYER-BRISTOW

4 Bedford Row,  
London WC1R 4DF

Your Ref.  
AW.1982/G

Our Ref.  
W/ 10/WM

22nd February 1983

Dear Sirs,

Privy Council Appeal No. 42 of 1982  
Choo Kok Beng -v- Choo Kok Hoe and Others

We refer to our letter of the 14th December and have now received further instructions in this matter and have had the benefit of some further advice from Counsel.

10

As mentioned in our said letter Messrs. Allen & Gledhill had written to our professional client Mr. L.A.J. Smith suggesting that the Court of Appeal had not in its grounds of judgment dealt with an equity point argued before it and that accordingly both sides should in their respective cases deal with the point so that it could be argued if necessary before the Privy Council. Our client's Counsel Mr. Allen Sebestyn has considered this suggestion but points out that Rajah J. decided the "equity" issue with the consent of the parties and if the Appellant is successful before the Privy Council, Rajah J's determination in this respect will be restored. If, on the other hand, his Appeal fails, the Court of Appeal's Order stands, and the question of the equity would appear not to arise.

20

In these circumstances Counsel finds it difficulty to see why the respective Cases should deal in any way with the determination of the equity point, since, one way or another, it appears to be an issue which simply does not arise.

30

We understand from Mr. L.A.J. Smith that he has passed these remarks to Messrs. Allen & Gledhill and they have said that they cannot comment thereon as they do not have a copy of the record.

We turn now to the record itself and Counsel feels that it is most desirable to restrict its ambit and that there would appear to be considerable scope for doing so in the present case.

Continued ...



He suggests the omission of certain documents which are set out in the separate list which we enclose.

We should be obliged if you will consider the said omissions and let us know whether you have any objection to the same and also whether you consider that any other documents could be omitted.

Yours faithfully

(Sd.) COLLYER-BRISTOW

10

Messrs. Coward Chance,  
Royex House,  
Aldermanbury Square,  
London EC2V 7LD

Privy Council Appeal No. 42 of 1982

CHOO KOK BENG

-v-

CHOO KOK HOE and Others

<u>Page Number</u>	<u>Document</u>	
53 - 64	Plaintiff's List of Documents	
152 - 154	Notice of Appeal by D1, 3 and 5	
155 - 156	Certificate for Security for Costs	
157 - 158	Notice of Appeal by D2 and 4	
159 - 160	Certificate for Security for Costs	10
175 - 176	Notice of Intention	
177 - 178	Notice of Motion	
183 - 199	Exhibit to Affidavit	
206 - 207	Exhibit to Affidavit	
208 - 211	Exhibit to Affidavit	
237 - 239	Duplicated Order: see pp. 234 - 6	
243 - 246		
251 - 258		
261 - -		
266 - 271		20
273 - 286		
290 - 291		
294 - -		
302 - 305		
316 - 337		
344 - 361		
363 - 367		
370 - 375		
378 - 486		
508 - 544		30
555 - 565		
568 - 576		
582 - 583		
586 - 589		
611 - 615		
618		
620 - 627		
628 - 648		

COWARD CHANCE  
Royex House  
Aldermanbury Square  
London EC2V 7LD

W/10

AW.1086/G

31 March 1983

Dear Sirs,

Privy Council Appeal No. 42 of 1982  
Choo Kok Beng -v- Choo Kok Hoe and Others

Thank you for your letter of 22nd February 1983.

10 With respect to your Counsel we think that it may not be accurate and it certainly would not be satisfactory, to say that if the Appellant is successful before the Privy Council, Rayah J's determination on the "equity" issue will be restored.

20 We would remind you that our clients appealed (inter alia) Rayah J's determination of the "equity" issue, and the Court of Appeal of Singapore heard full argument from both sides on the "equity" point even though they have not given a Judgment thereon. In those circumstances it would seem to us that if your Appeal was successful either the Privy Council (if they so desired) could hear the "equity" point themselves or alternatively it would have to be remitted to the Court of Appeal of Singapore and this would entail both delay and substantial additional costs.

30 Would you please therefore let us know as soon as possible whether your clients are prepared to deal with the "equity" point in their Case and join with us in asking the Privy Council (if it proves to be necessary) to adjudicate thereon. If your clients are not prepared so to do then we will have to petition the Privy Council for directions, and clearly this will have to be done before the Cases are lodged.

So far as the proposed omissions of the Record are concerned, we attach herewith a List of Documents that we think could be omitted.

We return the copies of the Record which you kindly sent to us.

Yours faithfully,

Collyer Bristow  
4 Bedford Row  
London WC1R 4DF

enc.

ls

COWARD CHANCE  
Royex House  
Aldermanbury Square  
London EC2V 7LD

W/4/WM AMDW.1086/RA 28th July, 1983

Dear Sirs,

Privy Council Appeal No. 42 of 1982  
Choo Koh Beng v. Choo Koe Hoe and Others

10 We confirm our telephone conversation earlier today when we informed you that we have received a telex enquiry from our Professional Clients about the present position of this appeal and informing us that their lay clients wish us to take all necessary steps to secure an early disposal of the appeal.

20 We understand that you are now in a position to proceed with the preparation of the record and shall be pleased if you will do everything you can to expedite the matter, bearing in mind that we cannot instruct Counsel to settle our Clients' Case until the record has been eventually reproduced.

30 We also understand that you are now in a position to reply to the enquiry in our letter of 31st March last regarding your Clients' position on the "equity" point and perhaps you will confirm that your Clients are prepared to deal with this point in their Case and join with us in asking the Privy Council (if it proves to be necessary) to adjudicate thereon. In the alternative, we will have to petition the Privy Council at an early date for directions, and trust that this will not prove necessary.

Yours faithfully,

Messrs. Collyer Bristow,  
4, Bedford Row,  
London,  
WC1R 4DF

COLLYER-BRISTOW

4 Bedford Row,  
London WC1R 4DF

Your Ref      Our Ref.  
AW.1086/RA    W/10/JW

24th August 1983

Dear Sirs,

Privy Council Appeal No. 42 of 1982  
Choo Koh Beng v. Choo Koe Hoe and Others

We are in receipt of your letter of the 22nd August for which we thank you.

So far as the Record is concerned we are working on this daily but we are sure you will appreciate that such Record consists of two large volumes and marginal notes have to be added to almost every page. 10

Whilst the writer cannot devote the whole of his time to this particular matter nevertheless he is spending as much time on it as possible and we would hope that we would have completed the preparation of the Record before the end of the Long Vacation.

As to the "equity" point we have received certain instructions from Singapore but these rather leave a decision to us and we feel it necessary to refer back to Counsel before we commit ourselves. 20

Counsel is not available at the present time but we will also deal with this point as quickly as possible.

Yours faithfully,

(Sd.) COLLYER-BRISTOW

Messrs. Coward Chance  
Royex House  
Aldermanbury Square  
London EC2V 7LD

COWARD CHANCE  
Royex House  
Aldermanbury Square  
London EC2V 7LD

W/4/WM

AW1086/RA

7th October 1983

Dear Sirs,

P.C. Appeal No. 42 of 1982  
Choo Koh Beng v. Choo Koe Hoe and Ors.

10 We refer to your letter of 24th August and shall be pleased if you will confirm that you are now in a position to proceed with this appeal by submitting the draft Record for approval.

We assume that you have by now obtained Counsel's further advice upon the "equity" point and look forward to hearing from you thereon.

As previously intimated our Professional Clients in Singapore have instructed us that their clients wish to secure the early disposal of this appeal.

Yours faithfully,

20 Messrs. Collyer Bristow,  
4 Bedford Row,  
London WC1R 4DF.

pb

COLLYER-BRISTOW

4 Bedford Row,  
London WC1R 4DF

Your Ref  
AW/1086/RA

Our Ref.  
W/10/JS

12th October 1983

Dear Sirs,

Privy Council Appeal No. 42 of 1982  
Choo Kok Beng -v- Choo Kok Hoe and Others

We are in receipt of your letter of 7th October and we also confirm our telephone conversation with you yesterday.

10

Dealing first with the Record, as explained, we are not yet in a position to submit the same but we are now spending some time on it each day and would hope that it would not be too long before we can send it to you.

We think we should mention that it was not until June 1983, when we received Counsel's final Opinion as to its contents, that we were able to start work on such Record and we can tell you that we did spend a good deal of time during the Long Vacation on its preparation. Unfortunately the Record, which in itself is quite lengthy, contains a large number of single page letters each of which requires a specific marginal note and this has been very time consuming.

20

We certainly have no wish to delay this Appeal unnecessarily and we have in mind that your Professional Clients in Singapore wish to secure the early disposal of this Appeal.

Turning now to the Equity point we have received instructions from our Professional Clients in Singapore to enable us to deal with your letter of 31st March 1983.

30

Counsel points out that what the Defendants are postulating is that, if the Court of Appeal is to be reversed, they wish to have Rajah J's Order varied. In Counsel's view the Defendants should have asked the Court of Appeal to deal expressly with the point in case the Privy Council reversed their main finding. This the Defendants failed to do. Moreover even in their Notices of Appeal to the Court of Appeal the Defendants did not specify precisely what Order they were inviting the Court of Appeal to make in relation to the Equity Point in the event of the Court upholding Rajah J on the principal issue.

40

cont ...



Our Professional Client in Singapore says that the Equity point was agreed to be adjudicated upon on the facts as found by the Judge, and this was the only basis upon which he (the Judge) was prepared to deal with it. In fact we are told that Mr. Lo, who appeared in the first Court, was taken to task by the Judge for raising matters which the Judge considered would be re-opening the issue. Mr. Smith further points out that the Court of Appeal took the view that the whole matter over who should own what houses had in fact been agreed.

In the circumstances the Appellant is not prepared to deal with the Equity point in their Case and join with you in asking the Privy Council (if it proves to be necessary) to adjudicate thereon.

We should perhaps mention that Counsel sees nothing to prevent the Defendants from inviting the Privy Council, in their Case, to vary the Order of Rajah J. if the Court of Appeal is reversed. Clearly the Plaintiff reserves the right to comment adversely on the Defendants failure (1) to specify in their Notices of Appeal precisely what Order they were seeking and (2) to invite the Court of Appeal to deal expressly with the point.

Finally our Clients Counsel sees no justification for the Defendants petitioning the Privy Council for directions.

Yours faithfully,

(Sd.) COLLYER-BRISTOW

Messrs. Coward Chance,  
Royex House,  
Aldermanbury Square,  
London EC2V 7LD.

COWARD CHANCE  
Royex House  
Aldermanbury Square  
London EC2V 7LD.

W/4/WM

AMDW.1086/RA

14th October 1983

Dear Sirs,

Privy Council Appeal No. 42 of 1982  
Choo Koh Beng v. Choo Koe Hoe and Others

We thank you for your letter of 12th October and note what you say regarding the preparation of the draft Record.

10

With regard to your reply on the equity point, we are obtaining our Clients' further instructions and will write to you again as soon as possible.

Yours faithfully,

Messrs. Collyer Bristow,  
4, Bedford Row,  
London,  
WC1R 4DF.

COWARD CHANCE  
Royex House  
Aldermanbury Square  
London EC2V 7LD.

W/10/JS      AMDW.1086/RA      1st November 1983

Dear Sirs,

Privy Council Appeal No. 42 of 1982  
Choo Kok Beng -v- Choo Kok Hoe and Others

10      Further to our letter of the 14th October 1983, with  
some regret we are now instructing Counsel to draft a  
Petition for Directions in respect of the "Equity" Point.  
We would have thought that it was in the interest of all  
parties, in order to prevent a waste of time and costs,  
that the Privy Council be asked to decide the "Equity"  
Point without the necessity of remitting the Case to the  
Court of Appeal. We think that the Privy Council would  
find it unsatisfactory to decide the "Equity" Point unless  
both parties set out their detailed submissions thereon in  
their respective Cases.

20      There are certain matters in your letter of the 12th  
October 1983 which we feel we should correct. We are  
instructed by our Professional Clients in Singapore that  
at the hearing before the Court of Appeal the Defendants'  
Counsel asked for an Order that (a) the title to 8 out of 10  
Houses be conveyed to them, alternatively (b) the said  
Land and Houses be sold. In their Amended Notice of  
Appeal the Defendants set out clearly what inferences the  
Learned Judge should have drawn, and these inferences  
clearly indicate the nature of the Order on the "Equity"  
30      Point which the Defendants were seeking. Further,  
though the parties proceeded on the basis that the Learned  
Judge had jurisdiction to decide the "Equity" Point on the  
facts as found by him, this did not in any way preclude any  
of the parties from appealing the Learned Judge's decisions  
either as to facts or as to his conclusions as to what would  
be equitable in all the circumstances.

40      As to the Court of Appeal taking the view that the  
whole matter over who should own what houses had in fact  
been agreed, this was not correct. What in fact happened  
was that the Defendants' Counsel informed the Court of  
Appeal during the hearing of the Appeal that he had received  
instructions from his clients that in the event of the "Factual"

continued ...

Messrs. Collyer-Bristow

1st November 1983

Point being successful his clients no longer wished to press their claim for the whole 10 houses but only as to 8.

Yours faithfully,

Messrs. Collyer-Bristow,  
4, Bedford Row,  
London,  
WC1R 4DF.

COWARD CHANCE  
Royex House  
Aldermanbury Square  
London EC2V 7LD

W/4/WM          AMDW.1086/RA          7th November 1983

Dear Sirs,

Privy Council Appeal No. 42 of 1982  
Choo Kok Beng v. Choo Kok Hoe and Others

10          As arranged on the telephone, we enclose a copy of  
a Petition drafted by Leading Counsel with a view to  
obtaining a direction from Their Lordships that the res-  
pective parties should be ordered to deal with the "equity"  
point in their respective Cases.

20          As explained on the telephone, the Registrar has  
drawn our attention to Rule 83 which gives him power to  
give such directions in matters of practice and procedure  
as may be required and that it is only if he feels that any  
application for directions should be dealt with the Judicial  
Committee in open Court, that a Notice of Motion for this  
purpose is required.

We suggest that the background of the matter is  
adequately set out in the enclosed draft Petition and,  
subject to your further consideration, it was not our  
intention to instruct Counsel to argue the matter before  
the Registrar. If you agree with us, perhaps an early  
appointment can be arranged for our respective repre-  
sentatives to attend before the Registrar to seek his ruling  
on the matter as envisaged in Rule 83.

Yours faithfully,

30          Messrs. Collyer Bristow,  
4, Bedford Row,  
London,  
WC1R 4DF.

Enclosure:

COLLYER-BRISTOW

4 Bedford Row,  
London WC1R 4DF.

Your Ref.  
AMDW/1086/RA

Our Ref.  
W/10/JS

8th November 1983

Dear Sirs,

Privy Council Appeal No. 42 of 1982  
Choo Kok Beng -v- Choo Kok Hoe & Others

We are in receipt of your letter of yesterday's date with its enclosure for which we thank you.

Having looked at the copy Petition drafted by Leading Counsel on behalf of your Clients it seems to us that he is clearly referring to the proceedings below and from the advice which we have received from our Client's Counsel it is obvious that he will wish to disagree with some of the points raised in the draft Petition and particularly as to what matters were dealt with by the Court of Appeal of Singapore. 10

In the circumstances we have no doubt whatever that our Professional Client in Singapore would wish us to instruct Counsel to oppose any application which your Client sees fit to make to the Registrar and obviously subject to this we would have no objection to an appointment being arranged. 20

We would have thought that various parts of the Record would have to be referred to and the correspondence which we have had with you about the Equity point and we would have thought that probably an appointment lasting one hour might be required.

Turning now to the Record itself we have at last completed the drafting thereof and were proposing to send this to you to-day. 30

However in view of the above mentioned proposed application we would have thought that a number of documents in the Record would have to be referred to and Counsel will need the same with his Brief.

In these circumstances we feel that we should delay parting with the draft Record for the moment but we can

cont ...

obviously let you have the same quickly after the proposed application has been heard.

Yours faithfully,

Messrs. Coward Chance,  
Royex House,  
Aldermanbury Square,  
London EC2V 7LD.

COWARD CHANCE  
Royex House  
Aldermanbury Square  
London EC2V 7LD

14th November 1983

W/10/JS            AMDW.1086/RA

Dear Sirs,

Privy Council Appeal No. 42 of 1982  
Choo Kok Beng -v- Choo Kok Hoe & Others

We thank you for your letter of 8th November.

10

We confirm our telephone conversation earlier today when we informed you that the Registrar had suggested that the initial appearance before him to obtain Directions should normally be made without Counsel and it was arranged that the Solicitors for both parties should attend before him tomorrow morning 15th November, at 11.30 a.m. to obtain his ruling upon the Directions sought in our Clients' draft Petition.

Yours faithfully,

20

Messrs. Collyer-Bristow,  
4, Bedford Row,  
London, WC1R 4DF



IN THE JUDICIAL COMMITTEE OF  
THE PRIVY COUNCIL

---

O N A P P E A L  
FROM THE COURT OF APPEAL OF  
THE REPUBLIC OF SINGAPORE

---

B E T W E E N :

CHOO KOK BENG Appellant  
(Plaintiff)

- and -

1. CHOO KOK HOE
  2. CHOO KOH ENG
  3. CHOO CHENG CHEW and  
CHOO KOK HOE as Administrators  
of the Estate of CHOO KOK LEONG,  
deceased
  4. CHOO ENG HAI
  5. HENRY CHENG CHEW CHOO
- Respondents  
(Defendants)

---

CASE FOR THE RESPONDENTS

---

COWARD CHANCE  
Royex House  
Aldermanbury Square  
London EC2V 7LD

Ref. AMDW 1086/RA

Solicitors for the Respondents