

## SUPREME COURT OF SINGAPORE

12 November 2018

### Case summary

#### Singapore International Commercial Court Suit No 5 of 2018 (Summons No 32 of 2018)

Arovin Ltd and another v Hadiran Sridjaja

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### Decision of Vivian Ramsey IJ

Outcome: SICC orders the defendant to provide particulars on the gist of what was stated by the relevant persons in giving rise to the understandings or agreement pleaded in the defence.

1 This was an application by the plaintiffs for further and better particulars on certain understandings and an agreement pleaded by the defendant. The plaintiffs sought particulars on the manner in which those understandings or agreement arose, and if orally, for the defendant to state what was stated by the relevant parties in giving rise to the understandings or agreement.

2 The parties agreed on the principles to be applied: where a term is oral, a party may ask for particulars as to the circumstances in which the verbal communication was made and the persons between whom the contract was made. Particulars will be ordered whenever the court is satisfied that without them the applicant cannot tell what is going to be proved against him at the trial. However, the court will not allow this procedure to be used to obtain evidence (at **[3]**). Further, O 18 r 7(2) of the Rules of Court (Cap 322, R 5, 2014 Rev Ed) provides that “the purport of any conversation referred to in the pleading must, if material, be briefly stated” (at **[8]**).

3 The court considered that, as the defendant relied upon an express understanding or agreement in his case, he must provide particulars of the gist of what was stated as this would be material to the allegation. The gist of what was said would contain the material facts from which an understanding or agreement, being an inference from those facts, could be derived. It was necessary for the plaintiffs to know sufficient about the relevant material facts on which the oral understanding or agreement was based, to be able to put forward any evidence to dispute such an understanding or agreement. That was not a request for evidence but a request for facts and matters which were necessary for a proper pleading (at **[10]–[11]**).

4 The court therefore ordered that particulars be given of the gist of what was stated by the relevant persons in giving rise to the understandings or the agreement (at **[12]–[13]**).

*This summary is provided to assist in the understanding of the Court’s grounds of decision. It is not intended to be a substitute for the reasons of the Court. All numbers in bold font and square brackets refer to the corresponding paragraph numbers in the Court’s grounds of decision.*