

## Part IV: Interlocutory Applications

### 41. *Ex parte* applications for injunctions

(1) Order 29, Rule 1 of the Rules of Court provides that an application for the grant of an injunction may be made *ex parte* in cases of urgency. However, the cases of *Castle Fitness Consultancy Pte Ltd v Manz* [1989] SLR 896 and *The 'Nagasaki Spirit' (No 1)* [1994] 1 SLR 434 take the position that an opponent to an *ex parte* application, especially where the application seeks injunctive relief, should be invited to attend at the hearing of the application.

(2) In view of this, any party applying *ex parte* for an injunction (including a *Mareva* injunction) must give notice of the application to the other concerned parties prior to the hearing. The notice may be given by way of facsimile transmission or telex, or, in cases of extreme urgency, orally by telephone. Except in cases of extreme urgency or with the leave of the Court, the party shall give a minimum of two hours' notice to the other parties before the hearing. The notice should inform the other parties of the date, time and place fixed for the hearing of the application and the nature of the relief sought. If possible, a copy of the originating process, the *ex parte* summons and supporting affidavit(s) should be given to each of the other parties in draft form as soon as they are ready to be filed in Court. At the hearing of the *ex parte* application, in the event that some or all of the other parties are not present or represented, the applicant's solicitors should inform the Court of:

(a) the attempts that were made to notify the other parties or their solicitors of the making of the application;

(b) what documents were given to the other parties or their solicitors and when these documents were given; and

~~(b-c)~~ whether the other parties or their solicitors consent to the application being heard without their presence.

(3) The directions set out in sub-paragraph (2) need not be followed if the giving of the notice to the other parties, or some of them, would or might defeat the purpose of the *ex parte* application. However, in such cases, the reasons for not following the

directions should be clearly set out in the affidavit prepared in support of the *ex parte* application.

**42A. Documents in support of *ex parte* applications for injunctions (including *Mareva* injunctions) and search orders**

(1) Without prejudice to the requirements stated in Paragraphs 41 and 42 of these Practice Directions, in order to assist the Court hearing *ex parte* applications for injunctions (including *Mareva* injunctions) and search orders, an applicant must include in the affidavit prepared in support of the application the following information under clearly defined headings:

- (a) Reason(s) the application is taken out on an *ex parte* basis, including whether the applicant believes that there is a risk of dissipation of assets, destruction of evidence or any other prejudicial conduct;
- (b) Urgency of the application (if applicable), including whether there is any particular event that may trigger the dissipation of assets, destruction of evidence or any other prejudicial conduct;
- (c) Factual basis for the application, including the basis of any belief that there will be dissipation of assets, destruction of evidence or any other prejudicial conduct, whether there have been any past incidents of the opponent dissipating assets, destroying evidence or engaging in any other prejudicial conduct, and whether there is any evidence of dishonesty or bad faith of the opponent;
- (d) Factual basis for any reasonable defences that may be relied on by the opponent;
- (e) Whether the applicant is aware of any issues relating to jurisdiction, *forum non conveniens* or service out of jurisdiction, and, if so, whether any application relating to these issues has been or will be made;
- (f) An undertaking to pay for losses that may be caused to the opponent or other persons by the granting of the orders sought, stating what assets are available to meet that undertaking and to whom the assets belong; and
- (g) Any other material facts which the Court should be aware of.

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(2) An applicant must prepare skeletal submissions on the points to be raised at the hearing of the *ex parte* application. At the hearing, the applicant shall give a copy of the skeletal submissions to the Court and to any opponent present. As soon as possible after the hearing, the applicant shall file the skeletal submissions in Court.

(3) The Court may also require the applicant to prepare a note of the hearing setting out the salient points and arguments canvassed before the Court and may order such a note to be served together with the court documents on any opponent who is not present at the hearing or within a reasonable time after the service of the court documents.

**Part XI: Appeals and Hearings Before Court of 3 Judges**

**85A. Leave of the Court of Appeal to receive further affidavits in relation to an application to strike out a notice of appeal**

(1) Under Order 57, Rule 16, a respondent may make an application to strike out a notice of appeal within the time frame provided in the Rule. The leave of the Court of Appeal to receive any further affidavit pursuant to Order 57, Rule 16(13), may be sought by way of correspondence to the Court of Appeal, or an appointment before a Judge of Appeal in a case management conference.

**87. Filing of records of appeal, core bundles and written Cases for civil appeals under Order 57, Rules 9 and 9A of the Rules of Court**

(1) Under Order 57, Rule 9(1) of the Rules of Court, the appellant is required to file the record of appeal, the Appellant's Case and the core bundle. Under Order 57, Rule 9A(2), the respondent has to file the Respondent's Case and the supplemental core bundle (if any). Under Order 57, Rule 9A(5A), the appellant may file an Appellant's Reply. The record of appeal, core bundle and supplemental core bundle are collectively referred to in this paragraph as "appeal bundles".

(2) For the purpose of complying with Order 57, Rules 9 and 9A, the parties are required to file the following documents using the Electronic Filing Service in accordance with the specified time frames in Order 57, Rules 9(1), ~~and~~ 9A(2) and 9A(5A).

(a) The appellant is required to file one copy of the following:

- (i) Form of the record of appeal in lieu of the record of appeal;
- (ii) Form of the core bundle in lieu of the core bundle; ~~and~~
- (iii) Appellant's Case; ~~and~~
- (iv) Appellant's Reply (if any).

(b) The respondent is required to file one copy of the following:

- (i) Respondent's Case; and
- (ii) Form of the supplemental core bundle (if any) in lieu of the supplemental core bundle.

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(3) The form of the record of appeal, form of core bundle and form of supplemental core bundle (collectively referred to in this paragraph as “forms of appeal bundles”) filed pursuant to sub-paragraph (2) must be in accordance with Forms 12, 13 and 14 of Appendix A of these Practice Directions. For the avoidance of doubt, the documents contained in the hard copies of the appeal bundles must coincide with the documents listed in the form of the appeal bundles.

(4) The attention of parties is also drawn to the Court fees payable under Order 90B read with Appendix B of the Rules of Court, and the importance of brevity and restraint in the compilation of core bundles.

(4A) The Chief Justice has further directed that the Appellant’s Case and the Respondent’s Case in civil matters before the Court of Appeal shall not exceed 50 pages unless leave of the Court of Appeal is obtained. The Appellant’s Reply, if any, shall not exceed 30 pages unless leave of the Court of Appeal is obtained. The process for obtaining leave of the Court of Appeal may be found in paragraph 87A of these Practice Directions. Any Appellant’s Case, ~~and~~ Respondent’s Case, and Appellant’s Reply in breach of this requirement will be rejected. The cover page and backing page shall be excluded from any computation of the number of pages. Parties are reminded to comply with Order 57, Rule 9A of the Rules of Court in respect of the preparation of their Cases, and the Appellant’s Reply, as well as the following requirements:

- (a) all pages should be paginated, with the page numbers corresponding to the Portable Document Format version of the Case or the Appellant’s Reply, as the case may be;
- (b) the minimum font size to be used is Times New Roman 12 or its equivalent;
- (c) the print of every page shall be double-spaced; and
- (d) every page shall have a margin on all 4 sides, each of at least 35 mm in width.

(5) If a party wishes to rely on a document which does not exist in the electronic case file, he must file the document *together* with the respective forms of appeal bundles. Further, a table of contents must be included for these documents. These documents must be paginated consecutively at the centre top of the page and the solicitor must ensure that the pagination takes into account the pages comprising the respective forms of appeal bundles and the table of contents for these additional documents. For example, if the form of the core bundle is 5

pages and the table of contents for the additional documents is 2 pages, the first page of the first document should be paginated as page 8.

(6) When the core bundles and supplemental core bundles are tendered at the Legal Registry of the Supreme Court pursuant to paragraph 88(1), the Legal Registry staff will state on the top right hand corner of the bundle the exact amount of Court fees payable under Order 90B. The parties should then pay the Court fees as indicated.

**87A. Request for leave to exceed page limit for Appellant's Case, ~~and~~ Respondent's Case and Appellant's Reply for civil appeals to the Court of Appeal**

(1) Parties shall apply for leave of the Court of Appeal to exceed the page limit for the Appellant's Case, ~~and~~ the Respondent's Case or the Appellant's Reply by filing a Request in the Electronic Filing Service stating the reasons for requiring additional pages and the number of additional pages required.

(2) The application for leave ~~in sub-paragraph (1) to exceed the page limit for the Appellant's Case or the Respondent's Case~~ shall be filed at least 14 days before the date the Appellant's Case or the Respondent's Case, as the case may be, is due to be filed. The application for leave to exceed the page limit for the Appellant's Reply shall be filed at least 7 days before the date the Appellant's Reply is due to be filed. Applications filed out of time will be rejected.

**88. Hard copies and soft copies for hearing of civil appeals before the Court of Appeal under Order 57 of the Rules of Court**

(1) In order to assist the Judges of the Court of Appeal, the appellant and the respondent are required to tender hard copies of the Appellant's and Respondent's Cases, the Appellant's Reply (if any), and core bundle(s) of documents to the Legal Registry of the Supreme Court at the same time when filing them within the prescribed time under Order 57, Rule 9A of the Rules of Court. The following directions must be complied with:

(a) Where the appeal is to be heard by a 3-judge Court, 4 hard copies of the Cases and the Appellant's Reply (if any), and 4 hard copies of the core bundle(s) shall be tendered.

(b) Where the appeal is to be heard by a 2-judge Court, 3 hard copies of the Cases and the Appellant's Reply (if any), and 3 hard copies of the core bundle(s) shall to be tendered.

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(2) The directions set out in paragraph 89 apply in relation to the preparation of the appeal bundles in hard copy, which may be printed on one side or both sides of each page.

(3) In addition to the hard copies, the appellant and respondent are required to tender soft copies of the following documents in Portable Document Format (PDF) at the same time in a CD-Rom:

(a) Appellant's and Respondent's Cases;

(b) the Appellant's Reply;

(~~bc~~) Core bundle(s) of documents;

(~~ed~~) Record of appeal; and

(~~de~~) Bundle(s) of authorities.

(4) The files in the CD-ROM should be named in accordance with the following format:

<party> - <document title>

For example -

1st Appellant – Appellant's Case

1st Appellant – Appellant's Reply

1st Appellant – Bundle of Authorities Vol 1

1st Appellant – Bundle of Authorities Vol 2

1st Appellant – Record of Appeal Vol 1

1st Appellant – Record of Appeal Vol 2

(5) The CD-ROM shall be clearly labelled with the case number and title of the proceedings. If there is more than one CD-ROM, the CD-ROMs shall be numbered sequentially.

**APPENDIX A**

**12.**

Para. 87(3)

**Form of Record of Appeal**

The documents itemised below are listed in accordance with paragraph 87(3) of these Practice Directions. Insofar as these documents have already been filed in the electronic case file in (to state the case no.) or are available in the electronic case file, they are, for the purpose of complying with Order 57, Rule 9(2) of the Rules of Court, deemed to be filed.

<b>S/N.</b>	<b>DCN</b>	<b>Filing Date</b>	<b>Description of Document</b>	<b>Pages</b>
1.			Notice of appeal	
2.			Certificate of payment of security for costs	
			Record of proceedings:-	
3.			(a) (to be itemised)	
4.			(b) (to be itemised)	
5.			(c) (to be itemised)	
6.			Affidavit of evidence in chief of X	
7.			Affidavit of evidence in chief of Y	
			Pleadings:-	
8.			(a) (to be itemised)	
9.			(b) (to be itemised)	
			Documents relevant to the matter Decided and the nature of the appeal:-	
10.			(a) letter dated xx/yy/zzzz	
11.			(b) the affidavit of Z	Eg pages 4 to 15*
12.			Judgment or order appealed from	



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*\* Specific pages must be stated if the party only intends to include in the form of record of appeal a portion of a document which is filed or is available in the electronic case file.*

The format of the separate table of contents under paragraph 87(5) is as follows:-

<b>S/N.</b>	<b>Description of Document</b>	<b>Pages**</b>

\*\* The solicitor's attention is drawn to the directions in paragraph 89(2) pertaining to pagination.

13.

Para. 87(3)

**Form of Core Bundle**

The documents itemised below are listed in accordance with paragraph 87(3) of these Practice Directions. Insofar as these documents have already been filed in the electronic case file in (to state the case no.) or are available in the electronic case file, they are, for the purpose of complying with Order 57, Rule 9(2A) of the Rules of Court, deemed to be filed.

S/N.	<b>DCN</b>	Filing Date	Description of Document	Pages*
1.			Grounds of judgment or order	
2.			Judgment or order appealed from	
			Relevant documents as defined in O 57 r 9(2A)(b) of the Rules of Court:-	
3.			(a) (to be itemised)	
4.			(b) (to be itemised)	

*\* Specific pages must be stated if the party only intends to include in the form of core bundle a portion of a document which is filed or is available in the electronic case file.*

See Form 12 for the format of the separate table of contents under paragraph 87(5).

**14.**

Para. 87(3)

**Form of Supplemental Core Bundle**

The documents itemised below are listed in accordance with paragraph 87(3) of these Practice Directions. Insofar as these documents have already been filed in the electronic case file in (to state the case no.) or are available in the electronic case file, they are, for the purpose of complying with Order 57, Rule 9A(2A), deemed to be filed.

<b>S/N.</b>	<b>DCN</b>	<b>Filing Date</b>	<b>Description of Document</b>	<b>Pages*</b>
			Additional documents as defined in O 57 r 9A(2A)(a) of the Rules of Court	
1.			(a) (to be itemised)	
2.			(b) (to be itemised)	

*\* Specific pages must be stated if the party only intends to include in the form of supplemental core bundle a portion of a document which is filed or is available in the electronic case file.*

See Form 12 for the format of the separate table of contents under paragraph 87(5).

**APPENDIX B**

**Court of Appeal**

21. Civil Appeals

Appeals before 3 Judges;  
Ready to be heard in ~~16~~19 weeks  
from date of Notification to  
collect Records of  
Proceedings.

Appeals before 2 Judges;  
Ready to be heard in ~~12~~15 weeks  
from date of Notification to  
collect Records of  
Proceedings.