



WMH Law Corporation

Advocates & Solicitors

12 Eu Tong Sen Street, #07-169, The Central, Singapore 059819

Modes of Commencement – Pleadings

Civil Litigation Practice Series

Author's Details:-



Mark LEE

- Joint Managing Director
- Head of Corporate & Commercial Dispute Resolution Practice

HP: (+65) [9182 9643](tel:91829643)

Office: (+65) [6514 6352](tel:65146352)

Email: mark.lee@wmhlaw.com.sg

www.wmhlaw.com.sg

WMH LAW CORPORATION





“Writ of Summons”

Modes of Commencement - Pleadings

How to commence Court proceedings?

To formally commence a Court action against an individual / corporate entity, the plaintiff will have to either file a Writ of Summons (typically endorsed with a Statement of Claim (explained below)) (“WOS”) or Originating Summons in Court.

If you are represented, your solicitors will file the WOS in Court vide E-Litigation. Where you are unrepresented, you will have to file the WOS at either the Lawnet Service Bureau (located at the Supreme Court Building) or the Lawnet & Crimsonlogic Service Bureau (located at Chinatown Point).

A WOS is generally valid for 6 months. Within this 6 months, the WOS must be served personally on each defendant.

Personal service is effected by leaving a copy of the document; (a) on the defendant if he/she is an individual and (b) at the registered address of the defendant if it is a company.

Personal service must be effected by, including but not limited to, a process server of the Supreme Court, by a solicitor, etc.

Substituted Service

Where personal service is not possible, the plaintiff may consider making an application for substituted service.

The plaintiff must convince the Court that reasonable attempts had been made at effecting personal service but such attempts have failed and that *“it is impractical ... to serve that document personally on that person”*.

“Memorandum of Appearance, Pleadings”

What to do if I receive a Writ of Summons?

If a defendant is served with a WOS, he has **8 days** after service of the WOS (**or 21 days** if the WOS was served out of jurisdiction) to enter an appearance by filing a **Memorandum of Appearance** with the Court.

Appearance is the process by which a person against whom a suit has been commenced shows his intention to defend the suit and submits himself to the jurisdiction of the court.

Failure of the defendant to enter an appearance will entitle the plaintiff to apply for a judgment in default.

Pleadings – Timelines

A pleading is a party's written statement of the facts on which he relies for his claim or defence, as the case may be.

Before a WOS is issued, it should be

endorsed with a **Statement of Claim** (“SOC”) or, if the SOC is not endorsed on the WOS, with a general endorsement consisting of a concise statement of the nature of the claim made and the relief or remedy requested.

When the WOS only has a general endorsement, the SOC must be served before the expiration of **14 days** after the defendant enters an appearance.

When the defendant has entered appearance, he is required to file and serve his **Defence** on the plaintiff **14 days** after the time limited for entering an appearance, or after service of the SOC, whichever is later. A defendant may make a counterclaim in the same action brought by the plaintiff in the **Defence and Counterclaim**.

A plaintiff must serve on the defendant his **Reply and Defence to Counterclaim**, if any, within **14 days** after the Defence (and Counterclaim) has been served on him.



Pleadings – Contents

- a) **Material facts only**; “.... every pleading must contain, and contain only, a statement in a summary form of the material facts on which the party pleading relies for his claim or defence, as the case may be”
- b) **Not Evidence**; pleadings are not meant to include evidence.

- c) **Not Law**; legal arguments are not to be found in pleadings. There is a vital distinction between pleading law, which is not permitted, and raising a point of law in a pleading, which is permitted.



For more information on the article, or if you wish to learn more about the topics discussed, please contact:-

Mark LEE

Joint Managing Director

HP: (+65) 9182 9643

Office: (+65) 6514 6352

Email: mark.lee@wmhlaw.com.sg

www.wmhlaw.com.sg

Wilbur LIM

Joint Managing Director

HP: (+65) 9838 2910

Office: (+65) 6514 6351

Email: wilbur.lim@wmhlaw.com.sg

www.wmhlaw.com.sg

WMH Law Corporation is a boutique litigation and arbitration firm specialized in resolving disputes effectively and efficiently. The firm was established by a group of lawyers who all formerly practiced at a Singapore Big Four law firm. The firm and its lawyers have consistently been recognized as one of the leading boutique law firms in South East Asia.

The content of this article does not constitute legal advice and should not be relied on as such. Specific advice should be sought about your specific circumstances. Copyright in this publication is owned by WMH Law Corporation. This publication may not be reproduced or transmitted in any form or by any means, in whole or in part, without prior written approval.