Lao Iok Sim (alias Liu Yuchan) v United Overseas Bank Ltd [2026] SGHCR 36

In *Lao Iok Sim (alias Liu Yuchan) v United Overseas Bank Ltd* [2026] SGHCR 36, the High Court exercised its power to strike out the claimant's claim against UOB on the grounds of suppression of evidence. In doing so, the High Court considered the principles in relation to its power to strike out a claim.

The Claimant's Statement of Claim

The Claimant was an aged Chinese-speaking lady who did not understand or speak the English Language.

The Claimant had opened a bank account with UOB and proceeded to transfer monies into the said account. Subsequently, by way of a series of withdrawals, the monies she had deposited into her UOB bank account were transferred out of the account. UOB attempted to contact the Claimant on the transfers and subsequently froze the Claimant's bank account when UOB could not reach her. The freezing of the Claimant's bank account prevented the remaining monies in her account from being transferred out.

The Claimant subsequently commenced legal proceedings against UOB for negligence and alleged that the monies she had deposited in her UOB bank account had been transferred out without her authorisation. In this regard, the Claimant pleaded in her Statement of Claim that UOB had "*breached its duty to take reasonable care of the Claimant's monies*" in her UOB bank account.

The Notice to Produce

In her Statement of Claim, the Claimant made express reference to a police report that she had filed in respect of the monies which had been transferred out of her UOB bank account without her authorisation and UOB served a Notice to Produce on her to produce the said police report. However, the Claimant refused to produce the police report notwithstanding the principles set out in the case of ***Interactive Digital Finance Ltd. v Credit Suisse A.G. [2023] SGHC 198***. This was notwithstanding that the Claimant had previously provided the police report to UOB prior to commencing the legal proceedings.

At a case conference, the Court ordered the Claimant to produce the police report. The Claimant's solicitors then informed the Court that the Claimant will only be disclosing a redacted copy of the police report.

The police report which the Claimant produced was substantially redacted and UOB sought confirmation from the Claimant as to the basis for the redactions. No explanation for the redactions was provided by the Claimant.

The Claimant subsequently produced an unredacted copy of the police report.

The Police Report

In the unredacted police report, the Claimant acknowledged that she had been a victim of a scam. She stated that she was instructed by the scammers to open bank accounts with several banks, including UOB, and to deposit monies into these bank accounts. The Claimant also stated that she was instructed by the scammers to set up internet banking for her UOB bank account and that she had provided her internet banking username and password to the scammers.

The above facts which were detrimental to the Claimant's claim in negligence against UOB were not pleaded in the Claimant's Statement of Claim. In her Statement of Claim, the Claimant did not plead that (a) she was a victim of a scam or that she had realised when making the police report that she was a victim of a scam; (b) that she had opened the bank account on the instructions of a third-party; and (c) that she had provided the third-party with her internet banking username and password.

UOB's Striking Out Application

UOB applied to strike out the Claimant's Originating Claim and Statement of Claim on the grounds that the Claimant had, amongst other things, deliberately suppressed evidence and/or that the Claimant had been dishonest in her conduct of the legal proceedings which warranted a striking out of her claim on the grounds of abuse of process.

The High Court held that:

a. the power of striking out should only be exercised in exceptional cases;
b. pleadings can be struck out where a party fails to comply with any provisions in the Rules of Court or any Order of Court requiring discovery or where there was deliberate suppression of evidence; and
c. pleadings can be struck out on the grounds that they are an abuse of the process of the Court.

The High Court also recognised that the case of ***Btech Engineering Pte Ltd v Novellers Pte Ltd [2019] SGHC 171*** stood for the proposition that it could exercise its power to strike out pleadings under Order 24 Rule 16(1) of the Rules of Court 2014 (which is the equivalent of Order 11 Rule 7(a) of the Rules of Court 2021) in respect of a party's failure to give production of documents pursuant to a Notice to Produce.

In his grounds of decision, the Learned Assistant Registrar Miyapan Ramu held, amongst other things, as follows:

a. "[t]*he discrepancies between the Police Report and the SOC are significant and go to the very heart of the claimant's case. Notwithstanding the Police Report filed by the claimant, the claimant then presented a false version of events in her SOC*";
b. "[p]*ut simply, there are basically two versions of events. The first being that the claimant was an unsuspecting victim of a scam. The second being, she had knowingly set up the internet banking account herself and had thereafter passed her credentials to a third party, acting on the instructions she believed to be a police officer.*";
c. "*…the claimant's conduct has rendered a fair trial impossible*";
d. "[t]*he redactions in the Police Report were critical as it contained material facts that were adverse to the claimant's case and detrimental to the claimant's pleaded position in her SOC.*";
e. the Claimant had refused to explain the basis of her redaction of the police report despite repeated requests by UOB; and
f. the Claimant had been silent in her reply affidavit filed in the striking out application as to the reasons why she had selectively and deliberately redacted the police report.

The High Court also noted that after each transfer of money of out of the Claimant's bank account, UOB had sent her an SMS text message to the Claimant's mobile telephone number maintained with UOB confirming the transfer. Notwithstanding this, the Claimant did not contact UOB at any point in time.

Accordingly, the High Court found that the Claimant had "*deliberately suppressed material evidence*". and struck out the Claimant's claim against UOB as it constituted an abuse of process and as it was factually unsustainable given the factual inconsistency between the version of facts set out in the police report and the Statement of Claim.

The Claimant's appeal against the decision of the Learned Assistant Registrar Miyapan Ramu has since been withdrawn by the Claimant.

This Client Update was authored by our partners Ng Yeow Khoon and Sherman Ho, and supported by senior associate Leong Kit Weng.

Should you have any queries on this update or generally, please feel free to contact the undersigned.

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