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**A Legal Tangle.**

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**A Legal Tangle.****Sequel to District Court Decision.**

An interesting legal point came up in the Supreme Court on Saturday, when the Chief Justice (Sir William Murison) and Mr. Justice Deane heard the appeal of Chen Yit Seng against a judgment entered against a Chinese chop by the Civil District Judge.

In the court below the appellant contended that he was the owner of the chop, which was sued, but that he had no interest in it at the time the debt in question was contracted. The District Judge held that the chop belonged to appellant's son, on the evidence of a Chinese document produced, and that appellant had no locus standi to appear in the case. Appellant's son not being represented in court, the District Judge gave judgment against the chop by default.

Mr. E. R. Koek, for the appellant, submitted in the court of appeal that his client was not liable for this debt, and that plaintiff should sue the proprietor of the chop at the time the debt accrued.

Mr. E. E. C. Thuraisingam replied that if everyone who sued a chop had to find out who were the old and new partners it would be an impossible situation.

The Chief Justice pointed out that the law provided an easy procedure by which to find out who was the right person to sue. The onus was on plaintiff to prove that the debt was due, and that defendant was a partner in the firm at the time the debt accrued.

Mr. Koek said the whole issue was whether it was the same partnership in 1923 as it was now.

Mr. Thuraisingam said that the District Judge had found that appellant was not the owner of the chop, and the chop was not represented in court, so judgment was given against the chop by default. Appellant had no locus standi because he had not proved his connection with the chop.

The Chief Justice pointed out that the whole trouble arose out of the way this chop had been sued. If defendant had been sued as a partner of the chop there would have been no trouble at all.

Mr. Koek agreed that if the plaintiff sued the person who was a partner at the time the debt accrued his client would have no locus standi, but it was the chop that was sued, and his client claimed to be the sole proprietor, the chop having been transferred to him by his son.

The Chief Justice said that in order to succeed in his appeal appellant must prove that the District Judge was wrong in holding that appellant's son was the owner of the chop.

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Mr. Koek then dealt with the evidence. He added that this was a partnership claim for return of capital invested in a business, and he submitted that it was not maintainable without an action for partnership accounts.

Their Lordships held that as they were not satisfied that the District Judge was wrong in holding that appellant's son was the owner of the shop Mr. Koek's client had no locus standi as appellant, and the appeal was dismissed with costs.

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