

# Small Claims Tribunals

## Information on “Application to Set-Aside Order”

### **Q1: What is a default Order?**

It is an Order of Tribunal against the party who was absent at the Consultation or Hearing.

### **Q2: What must I/my company do, if there is a default Order against me/my company?**

If you/your company are the Respondent and are disputing the claim as to the merit(s)/quantum/payment terms, you/your company must within **30 days** from the date of the default Order file an ‘Application to set-aside Order’ Form. If you/your company are the Claimant and intend to pursue the claim, you must similarly, within **30 days** from the date of the default Order file an ‘Application to set-aside Order’ Form. By filing an ‘Application to set-aside Order’ Form, it means you have to properly complete the Form attached to this Information and file it at the Tribunals.

### **Q3: What if I/my company am/is do not wish to file the ‘Application to set –aside’ Form?**

In such event, the Order of Tribunal stands and the party against whom the Order is made must comply and/or observe as to the terms of the Order. If you/your company are unsure of your course of action, you may wish to obtain your own legal advise.

### **4: What does “Grounds of Application” in the ‘Application to set-aside Order’ Form mean?**

It is for the applicant to state the reason(s) why the applicant/or the applicant’s representative was absent during the Consultation or Hearing, and if the applicant is the Respondent to briefly state the defence.

### **5: Who can sign the ‘Application to set-aside Order’ Form?**

For an individual Claimant or Respondent, YOU will have to sign the Form personally. For sole-proprietorship or partnership firm, ONLY the sole-proprietorship or partner may sign. For company or Corporation, any director or full-time employee may sign. Please note that additionally for partnership, company and corporation, please do remember to affix the relevant company’s stamp on the Form.

### **6: What happens after I have completed and filed the ‘Application to set-aside Order’ Form?**

You will be notified of the Hearing date of the Application by way of a written Notice.

### **7: Who can attend the Hearing of the “Application to set-aside Order”?**

If you are an individual Claimant or Respondent, then ONLY you are allowed to attend. If your firm is a sole-proprietorship, only the sole-proprietor is allowed to attend. If your firm is a partnership or a company incorporated or other corporation, then any directors or full-time employee with a letter of authorisation can attend.

### **8. What happens at the Hearing of the ‘Application to set-aside Order’?**

The registrar/Referee Hearing the Application will firstly decide whether the Application should be allowed. You/Your company should bring along and produce all necessary evidence [if any] to support your/your company’s application. If the Application is allowed the registrar/Referee will then proceed with the Consultation/Hearing. If the Application is dismissed, the previous Order of Tribunal will stand.

### **Further Information:- PLEASE NOTE that:**

- a) if you/your company are/is absent for your Application, the Application may be dismissed and you/your company may be precluded from filing any further application to set-aside.
- b) the filing of the ‘Application to set-aside Order’ Form does not operate as a stay of any enforcement proceedings that the Claimant have commenced.
- c) For more information on the Tribunals, please visit our website at [www.smallclaims.gov.sg](http://www.smallclaims.gov.sg).

**Small Claims Tribunals  
Subordinate Courts**