



Introduction to our New Partner and Head of Litigation:

Mr. Sivakumar Murugaiyan



Sivakumar Murugaiyan
LLB (Hons)
Head of Litigation & Dispute
Resolution Practice Group

The Partners, Solicitors and Staff of Madhavan Partnership take great pride to introduce our new Partner, Mr Sivakumar Murugaiyan who will be heading our Litigation and Dispute Resolution Practice Group.

Siva joins the firm with vast credentials and we would like to take this opportunity to introduce him to all our clients by virtue of this circular.

Siva graduated in 1987 from Queen Mary College, University of London. He was called to the Bar of England and Wales at Lincolns' Inn in 1988. Siva was admitted as an Advocate & Solicitor of the Supreme Court of Singapore in 1989 and was also called to the Bar of the High Court of Australia in 1991.

Siva's primary area of practice is civil, commercial litigation. He has represented clients before various tribunals (e.g. Strata Titles Board) as well as the Singapore Courts at all levels up to the Court of Appeal; which is Singapore's highest Court. Several of the more significant cases have been reported in the law reports and are cited as authority in other cases. He has also been involved in arbitrations both as Counsel and as Arbitrator. He has worked with, and against, several Queen's Counsel as well as Senior Counsel.

Prior to joining the Firm, Siva has worked in the Singapore offices (or associated offices) of international law firms including Baker & McKenzie and White & Case LLP. He was also Managing Partner of Azman, Soh & Murugaiyan before that firm was absorbed into the White & Case/CNP Joint Law Venture in 2001.

Siva has also served in the Council of the Law Society and its Executive Committee. He was Treasurer for 2 years for 2002 and 2003. He still serves on various Committees of the Society including the Ethics Committee and is a member of the Inquiry Panel which investigates complaints against lawyers. In addition, Siva also serves a member of the Board of Commissioners of Oaths and Notaries Public of the Singapore Academy of Law. He is also a trainer for the Practice Law Course Advocacy Training program which equips young lawyers with advocacy skills.

Siva's primary area of practice is in civil and commercial litigation including arbitrations, building contract/construction disputes, banking



litigation, defamation and insolvency related litigation. Represented a variety of clients from individuals, local businesses/companies to international corporations in disputes before at the Courts at all levels as well as in arbitrations involving a very wide range of issues. Some of the more notable cases are set out in **Appendix A**. Acted as Counsel or Co-counsel in ICC, SIAC as well as *ad-hoc* arbitrations.

Siva has also spoken and presented papers in seminars, conferences and workshops in Singapore as well as regionally. These are set out in **Appendix B**.

Siva with a wealth of experience behind him together with our Managing Partner Mr. Peter Madhavan, now heads a team of 5 lawyers in our Litigation and Dispute Resolution Practice Group which has since seen much changes in terms of proficiency and capability to handle your every requirement as we continue to render the highest levels of service that you would expect of us.



APPENDIX A

Some notable cases handled by Mr. Sivakumar Murugaiyan which have been reported in the Singapore Law Reports (SLR) or Malaysian Law Journal (MLJ).

Bin Hee Heng v Management Corporation Strata Title No 647 [1991] 3 MLJ 69

Represented management corporation in an appeal to the High Court involving novel issues relating to validity of meetings and the resolutions passed under the Land Titles (Strata) Act.

Ko Teck Siang v Low Fong Mei & Anor [1992] 2 SLR 454

Represented Co-Executrix of an Estate in disputes with beneficiary. Appeared before Court of Appeal with Jules Sher QC and Leolin Price QC in a application to strike out a claim which involved complex issues of secret trusts and issue estoppel.

Alexander Proudfoot v Alvin Sim [1993] 1 SLR 494

Represented employers in an appeal before Court of Appeal in claim by employees for unlawful termination involving issues regarding quantum of damages payable for wrongful dismissal.

Management Corporation Strata Title Plan No 1378 v Chen Ee Yueh [1994] 1 SLR 463

Represented subsidiary proprietor in the High Court in relation to a dispute with the management corporation regarding alleged breaches of by-laws and issue of mandatory injunction. First reported decision in Singapore on the principles to be applied in granting mandatory injunctions for breaches of by-laws under the Land Titles (Strata) Act.

Lim Kay Lip & Anor v Lee Cheng Peng & Anor [1994] 2 SLR 716

Represented vendors of property in dispute with purchasers and management corporation on contribution payable pursuant to Land Titles (Strata) Act. Involved issues of statutory interpretation.

Aurum Building Services Pte Ltd v Greatearth Construction Pte Ltd [1994] 3 SLR 330

Represented main contractor at first instance and before Court of Appeal in a stay pending arbitration involving issues of interpretation of the SIA Standard Form Contract and the law relating to stay of proceedings.

Norman Wright v Overseas Chinese Banking Corp Ltd [1994] 1 SLR 513

Assisted Patrick Milmo QC in appeal before Court of Appeal on principles to be applied in the amendment of pleadings in defamation action.

Overseas Chinese Banking Corp Ltd v Norman Wright [1994] 3 SLR 760

Assisted Patrick Milmo QC in a defamation trial involving issues of justification, fair comment and qualified privilege.

Bali Intenational Finance & Others v Bambang Sutrisno [1999] 3 SLR 140

Represented a syndicate of Hong Kong and Indonesian financial institutions at first instance and on appeal before the Court of Appeal in an application for stay of proceedings. Involved novel issues with regard to waiver of *forum non conveniens*.

Law Society of Singapore v Lim Yee Kai [2001] 1 SLR 721

Represented the Law Society in disciplinary proceedings against lawyer before the Court of 3 Judges where the lawyer was struck off.

Les Placements Germain Gauthier v Hong Pian Tee [2001]3 SLR 418

Represented a Canadian company in enforcing a Canadian judgment in Singapore under common law, by way of summary judgment, where no statutory provision for reciprocal enforcement of judgments was available.

Hong Pian Tee v Les Placements Germain Gauthier [2002] 2 SLR 81

Represented Canadian company in resisting an appeal against the decision of the High Court. Decision of the Court of Appeal the leading judgment in Singapore on the principles to be applied in recognising and enforcing foreign judgments under the common law.

Yugiantoro v Budiono Widodo [2002] 2 SLR 275

Represented Defendant in application to stay proceedings in Singapore on the grounds of *forum non conveniens*.

Denko-HLB Sdn Bhd v Fagerdala Singapore Pte Ltd [2002] 3 SLR 357

Acted for Respondent in application before the Court of Appeal by intended Appellant to extend time to comply with Section 34(1)(c) of the Supreme Court Judicature Act and to extend time to file Notice of Appeal. Involving issues as to jurisdiction of the Court of Appeal to extend time.

Mah Wand Hew v Ong Yew Huat & Anor [2003] 1 SLR 859

Represented a creditor in a claim in the High Court against the liquidators of Hotel Equitorial to reverse the decision of the liquidators in rejecting the creditor's proof of debt.

Ann Masters Lassiter v To Keng Lam [2003] 3 SLR 666 (H Ct), [2004] 2 SLR 392 (CA)

Acted as co-Counsel in an appeal before the High Court and subsequently before the Court of Appeal on admission of further evidence on a Registrars' Appeal in assessing damages. Only decided case on this point in Singapore.

Kamla Lal Hiranand v Lal Manghaanmal Hiranand [2003] 3 SLR 198

Acted as co-Counsel in application before High Court to enforce consent Order. Involved issues regarding the proper ambit of "liberty to apply" provisions in Orders of Court.

Koh Gek Hwa v Yang Hwei Ming & Anor [2003] 4 SLR 316

Represented subsidiary proprietor in an appeal to the High Court from the decision of the Strata Titles Board on a collective sale.

Ann Masters Lassiter v To Keng Lam [2005] 2 SLR 8

Acted as co-Counsel in an appeal before the High Court on assessment of damages for wrongful death. Only reported decision in Singapore involving questions of loss of inheritance as a head of claim.

PT Bank Bali v Santosa Widjaja & Others

Unreported decision of the High Court Suit No 270 of 1997

Represented plaintiff bank in recovery proceedings and resisting stay of proceedings on grounds of *forum non conveniens* at first instance and on appeal to the Court of Appeal

Ramzi Fares v AIDEC Management Company Pte Ltd

Unreported decision of the High Court in Suit No 2101 of 1996

Represented employee in claim for constructive dismissal at trial and on appeal to the Court of Appeal.

Management Corporation Strata Title Plan No 964 v Embelton Singapore Pte Ltd

Unreported decision of the High Court in Suit No 258 of 1994

Represented waterproofing contractor at trial involving a claim by management corporation on the waterproofing warranty.

L&M Equipment Pte Ltd v Hyundai Engineering & Construction Co Ltd & Others

Unreported decision of the High Court in Suit No 651 of 1998

Represented main contractor at trial and on appeal to the Court of Appeal in claim by specialist sub-contractor for additional payment.

APPENDIX B

Seminars, conferences and workshops in Singapore as well as regionally where Mr. Sivakumar Murugaiyan has spoken and presented papers.

- “Recent Development on Guarantees, Indemnities and Performance Bonds”
- 2nd Annual Conference on Managing Construction Projects, Claims and Disputes; Singapore and Kuala Lumpur Asia Business Forum, April 1994.
- “Role of Parties in Prevention and Resolution of Construction Disputes”
- Seminar on Avoiding and Resolving Construction Disputes; Institute for International Research, October 1996.
- “Formulating and Evaluating Claims for Delay and Disruption”
- Conference on Avoiding and Resolving Disputes in Construction Contracts; Asia Business Forum, June 1997
- “Damages – The Construction Law Perspective”
- Construction Law Seminar, Continuing Legal Education Law Society of Singapore, May 1997.
- “Role of Parties in Construction Disputes”
- Conference on Construction Disputes and Management of Claims; Professional Forum Centre, June 1998.
- “Restarting Projects”
- Inter-Pacific Bar Association Annual Meeting; Bangkok, May 1999.
- “Multi-Disciplinary Practices- The Singapore Perspective”
- Inter-Pacific Bar Association Annual Meeting; Tokyo, May 2001
- “Lessons from the *Hong Huat Case*”
- Construction Law Seminar CPD International; July 2001
- “New Solutions to Old Problems”
- Construction Law Seminar CPD International; April 2002
- “Enforcement of Foreign Judgments in Singapore”
- Continuing Legal Education, Law Society of Singapore; April 2002