



HEALTH

Singapore Court refuses to let lawyer seek costs from mentally disabled man

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SINGAPORE - The High Court has refused to let a lawyer seek costs he alleges he is owed for representing a man left brain damaged by a road accident.

Mr Sharil Abbas, 28, suffered severe brain injuries in a traffic accident in December 2007. Two years later, he was represented by Mr Riaz Qayyum in a suit against the driver involved.

But a year into it, he was replaced by Mr Raj Singh Shergill who obtained a court order declaring Mr Sharil mentally incompetent and authorising his mother Salbeah Paye to decide in matters involving him.

The High Court awarded more than \$500,000 in damages to Mr Sharil last year, with the money to be paid by the offending vehicle-driver and a third party.

Mr Riaz claimed he was not paid for his work on the case and tried to sue Mr Sharil for the legal services he provided. At issue was the fact that his claim involved a person who lacked mental capacity.

In court papers filed, he argued that the issue of his client's capacity to act did not arise as "the circumstances were such" that Mr Riaz had obtained Madam Salbeah's instruction to act for him at their first meeting in a hospital.

Lawyer Peter Ezekiel, acting for Riaz LLC, argued that she had signed the warrant to act and Mr Sharil was the client.

The document had been signed by Madam Salbeah with Mr Sharil's thumbprint attached.



Mr Singh argued for Madam Salbeah that Mr Riaz's costs could be voided at the client's option given his mental condition.

He said it "would have been obvious to anyone who met Mr Sharil that he was not in the right frame of mind" and Mr Riaz would have known this.

But Mr Riaz countered it was not "obviously apparent" to him that Mr Sharil was incompetent at their first meeting. He said a person suffering brain damage would be "immediately apparent" - which was not the case with his meeting with Mr Sharil.

Based on evidence including medical testimony from consultant neurologist Ho King Kee, Assistant Registrar Snggeeta Devi found that Mr Riaz knew about Mr Sharil's lack of mental capacity and dismissed his firm's claims for the legal services rendered.

"It would have been against public policy to grant any costs to a solicitor who knows about his client's lack of capacity to instruct him and yet proceeds to act on his behalf," she said.

In judgment grounds released last week, she also noted the rare case raised "interesting issues".

vijayan@sph.com.sg

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