

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Case No. MC/MC 14193/2018

Between

NOR HASLIN BIN MAZLAN
(NRIC No. S2193981A)

... Plaintiff

And

PROVIDENCE AUTOMOBILE PTE LTD
(Registration No. 201128758G)

... Defendant

LIST OF ISSUES IN DISPUTE

1. The Plaintiff's list of issues in dispute in MC/MC 14193/2018 are as follows:-

No.	Plaintiff's Issue / Matter in Dispute
1.	The scope of the warranty. Whether the warranty covered all defects and liabilities of the car. Does it cover fair wear and tear in this case?
2.	Whether the Defendant's alleged failure to rectify the car when requested by the Plaintiff on various occasions resulted in damage to the car and stalling on 10 July 2018.
3.	Whether the Plaintiff's actions contributed to the damage of the car, and as a result the presumption of section 12B(3) of the Consumer Protection (Fair Trading) Act ("CPFTA") is rebutted.
4.	Whether the Defendant is entitled to file a Counterclaim as the aforementioned issues.
5.	Whether the CPFTA fails to operate as a result of the "as is, where is" basis in which the car was purchased upon in view of section 13 of the CPFTA.

6.	Whether the car did not conform to the applicable contract at the time of delivery within the period of 6 months after the car was delivered to the Plaintiff such that the car suffered a breakdown on 10 July 2018, and as such whether the Plaintiff was entitled to the presumption of section 12B(3) of the CPFTA (read with section 12A(4) of the CPFTA and section 14 of the Sale of Goods Act).
7.	Whether the Defendant's failure to change the engine gasket and/or thermostat upon the Plaintiff's requests on 18 June 2018 and 2 July 2018 exacerbated the state of the car and eventually caused the car to malfunction.
8.	Whether the engine gasket tear and/or the faulty thermostat caused the coolant to leak, thereby causing the car engine to overheat and subsequently the car to malfunction on 10 July 2018.
9.	Whether it was reasonable for the Plaintiff's car to remain with the Defendant for the duration of 61 days (i.e. from 10 Jul 2018 – 8 Sep 2018). Do the Defendant's actions constitute wrongful detention of the car?
10.	Whether the Plaintiff is entitled to special damages, i.e.: (a) Loss of use of car of \$6,000 (or further claims thereafter for further loss of use); and /or (b) Purchase of the thermostat at \$321.00.

2. The Defendant's list of issues in dispute in MC/MC 14193/2018 are as follows:-

No.	Defendant's Issue / Matter in Dispute
1.	Whether, the Plaintiff, in ignoring the "Coolant Warning Indicator" and continued to use the car, has broken the chain of causation.
2.	Whether it was reasonable to comply with the Vicom expert's directions to strip the engine.
3.	Whether it was reasonable to demand that the Plaintiff and/or his agent, sign a handing/taking over document for the said Vehicle.

4.	Whether it was reasonable for the Plaintiff and/or his wife to be driving the said Car on the 10 July 2018 in light of all the circumstances of the case.
5.	Whether the Defendant's Counterclaim is reasonable.

Dated this 30th day of August 2019.



SOLICITORS FOR THE PLAINTIFF
M/S ANDREW TAN TIONG GEE & CO

To The Defendant's Solicitors

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