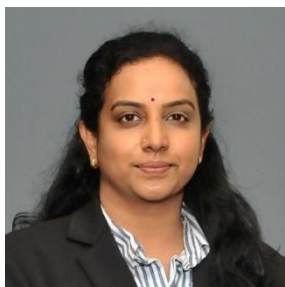




SUB-COMMITTEE REPORT

CIVIL PRACTICE & COURT LIAISON



Ambiga Rajendran

Chairperson: Ambiga Rajendran
Yu Ai Ting

Sub-Committee Members: Agalya J M (Deputy)
Aaron Mah Zhee Haang
Marcus Hoo Cann Jie
Soong Ru Yi
Navin Punj Shomdutt Sharma
Lee Ee San
Nur Ain Binti Mustapa



Yu Ai Ting

Ex-Officio : M K Thas
Yu Ai Ting

1. This Sub-Committee received the following complaints from the Members of the Bar in relation to the Courts in Selangor.
2. The details of the complaints that were raised and addressed are as follows.

NO.	COMPLAINTS	STATUS & FEEDBACK
1.	Affidavit of Consent by Beneficiary for application for Dispensation of Sureties in an application for Letters of Administration	Status: Resolved Feedback: The feedback from the court is that an affidavit of consent by the beneficiary must be filed as it has been the practice but in cases where the said affidavit is not filed, it depends on the discretion of the court whether or not to allow the application. The feedback that we have received from Members depends on the discretion of the respective Registrars.



2.	The need to pay for the grounds of judgment	The lawyer who raised this said that it should be provided for free and furthermore, why must the fee be paid to the judge's secretary (personal bank account) in order to obtain the grounds of judgment from the court? Status: Resolved Feedback: Yes, it needs to be paid for as provided in Appendix B Rules of Court 2012 to the judge's secretary or court stenographer.
3.	Matters being postponed and fixed dates being vacated	We have received various complaints from Members that their matter had been postponed and the date given is very far away. Status: Resolved Feedback: In June 2023, two (2) judges were elevated to the Court of Appeal, and one was transferred to Kota Bahru High Court, leaving two courts in Shah Alam High Court vacant. Upon discussing the issue with the court, members will be advised to file a Certificate of Urgency for urgent cases, and the court will transfer the matter to be heard by another court. As of 8.12.2023, the vacancies have been filled and two (2) Judicial Commissioners have been appointed to fill the vacancies.
4.	Case filed under wrong code	During our Meet Us & Tell Us at Klang Court, we received this complaint from a Member that when the matter is filed under the wrong code, the court will fix a date for the lawyer to attend physically in court to inform them of the same and urge them to withdraw the matter. Status: Resolved



		Feedback: The Court has informed us that the current practice of the court is that if the matter has been filed under the wrong code, the court will give a short case management date, normally within one or two weeks, to enable the court to inform the lawyer accordingly and to withdraw the matter. Case management can be done by way of e-review or physical depending on the court and nature of the case.
5.	E-review	We received a complaint from a Member that in one of their matters, the court has locked the e-review without giving direction. Status: Resolved Feedback: We have informed the court and we have forwarded the court direction to the said lawyer.
6.	Certificate of Urgency	The certificate of urgency was filed on 12.4.2023 and was not processed until 22.5.2023. Status: Resolved Feedback: Brought the matter to court attention, and the court called the parties immediately to resolve the matter.
7.	Code for fraud cases at Session Court	The code is NCVC tort.
8.	Parking at Shah Alam Court Complex	Status: Resolved Feedback: We have addressed the matter and we have on 16 August 2023 (SBC/CIR/086/2023) issued the following circular:



		<i>“Upon discussion with the court management, please be informed that only Members with the Malaysian Bar's car stickers are allowed to park their vehicles at the parking lots designated for Members at the basement parking at the Annexed Building of the Shah Alam Court Complex.</i> <i>However, subject to availability, Members are allowed to park at the parking lots designated for the court staff at the Left Wing (open-air car park) from 9.00 am onwards, provided the basement parking is full.</i> <i>Pursuant to the above, Members are strongly advised to display the Malaysian Bar car stickers to gain entry into the court compound.”</i>
9.	Draft Judgment in Default rejected by the court with the remark “ failkan selepas penghakiman direkodkan”	For Judgment in Default of Appearance, it has been the practice that upon the expiry of 14 days after the service of the Writ Summons and no appearance has been entered, the Plaintiff's Solicitors will file the Certificate of Non-Appearance and draft Judgment for approval before the next date. Status: Resolved Feedback: After verifying with the court, there are no changes to the above practice, and we have let the lawyer know to re-file the draft, which has been approved and extracted.
10.	The draft order for substituted service filed on 12.12.2023 has not been approved.	Status: Resolved Feedback: A complaint was received on 20.12.20213 from a Member that the draft order for substituted service filed on 12.12.2023 had not been approved. The matter was resolved on the same day, and Fair Order was extracted the next day.



11.	Meeting with “Pengarah Mahkamah Negeri Selangor” on 6.9.2023	The court updated us that our proposal to reduce the backlog in running down cases by assigning certain courts to hear running down matters has been approved. With effect from 2.10.2023, Session Court 5 at Shah Alam Court is allocated to hear running-down cases.
12.	Family Matter Application for Dispensation of Marriage Tribunal	1. Complaint received 20.12.2023 For Originating Summon application for dispensation of Marriage that was fixed before the Sessions Court Judge (according to Special Power under S2 (2) of Law Reform (Marriage & Divorce) 1976. Pupils in the Chamber after the short call have been denied appearance because they are not allowed to appear at Session Court open court matters. Despite being a High Court chamber matter heard by a Session Court Judge. This has been referred to the Bar Council Court Liaison subcommittee, the outcome is pending. 2. Why does the court insist that the Originating Summon for Dispensation of Marriage Tribunal must be served on the respondent? Feedback: The Originating Summons filed upon S106 (1) provisos (i), (ii), (iii), (iv), and (v) of the Law Reform (Marriage and Divorce) Act 1976, the court may treat the said application as an ex parte application and dispense with the service of the application. However, in the originating summons under S106 (1) proviso (vi) of the Law Reform (Marriage and Divorce) Act 1976, the court will treat such application



		as an inter parte hearing, and the applicant is required to prove that "the court is satisfied there are exceptional circumstances," therefore the originating summons must be served on the respondent as provided under Order 10 Rule 1 of the Rules of Court 2012
13.	Parking at Petaling Jaya Court	Meeting on 1.11.2023: We have informed the court that the parking lot allocated for lawyer currently on Level 1A has been utilized by others and the marking/signage is no longer visible. We have also requested for the court to allocate more parking lots for lawyers on Level 3A. The court has taken steps to mark the parking and once the works have been completed, the court will inform us of the allocated parking for lawyers. Thereafter, Selangor Bar will inform Members in due course.



3. **Meeting with Managing Judge** on 26 October 2023

It is a courtesy meeting between Managing Judge Dato' Zabariah binti Mohd Yussof, the High Court Judges in Selangor, Pengarah Negeri Selangor Dato' Anita Harun, and Deputy Registrars.

We have on 1 August 2023 issued a circular request for feedback from Members but we did not receive any feedback from Members.



4. **Territorial Jurisdiction**

There some changes to the territorial jurisdiction and the latest territorial jurisdiction is as follows and circular dated 3 May 2023 (SBC/CIR/032/2023) has been issued:

UPDATED ON 5.2.2023

**TERRITORIAL JURISDICTION OF THE CIVIL
SESSIONS AND MAGISTRATES COURT IN SELANGOR**

MAGISTRATE AND SESSION COURT	TERRITORIAL JURISDICTION
AMPANG	1. HULU KELANG 2. BUKIT ANTARABANGSA 3. LEMBAH JAYA 4. PANDAN INDAH 5. TERATAI 6. AMPANG AREA: - A)TAMAN MELAWATI B) UKAY PERDANA C) PANDAN PERDANA D) TAMAN MUDA E) BUKIT INDAH F) KG CHERAS BARU
BANGI	1. BANDAR BARU BANGI 2. BANGI

	3. SEMENYIH 4. BERANANG
KAJANG	1. CHERAS 2. KAJANG 3. BATU 9 4. BATU 14 HULU LANGAT 5. SERI KEMBANGAN 6. BALAKONG
KLANG	KESELURUHAN KLANG
KUALA KUBU BARU	1. KUALA KUBU BARU 2. ULU BERNAM 3. BUKIT BERUNTUNG 4. BUKIT SENTOSA 5. BATANG KALI 6. HULU YAM BAHRU 7. SERENDAH 8. KALUMPANG 9. KERLING 10. RASA
KUALA SELANGOR <u>SESSION COURT</u>	1. KUALA SELANGOR 2. IJOK 3. TANJUNG KARANG 4. JERAM 5. BESTARI JAYA 6. SABAK BERNAM 7. SUNGAI BESAR 8. SEKINCHAN 9. SUNGAI AIR TAWAR 10. PUNCAK ALAM
KUALA SELANGOR <u>MAGISTRATE COURT</u>	1. KUALA SELANGOR 2. IJOK 3. TANJUNG KARANG 4. JERAM 5. BESTARI JAYA
PETALING JAYA	1. PETALING JAYA 2. DAMANSARA 3. KOTA DAMANSARA 4. PUCHONG 5. PART OF SERI KEMBANGAN (Postcode 43300) 6. SUNWAY MENTARI AREA 7. KELANA JAYA 8. SERDANG

SHAH ALAM	1. SUNWAY PYRAMID AREA 2. SUBANG JAYA 3. SUNGAI BULOH 4. SHAH ALAM 5. PUCHONG (Postcode 47100)
SELAYANG	1. SELAYANG 2. RAWANG 3. BANDAR COUNTRY HOMES 4. BANDAR TASIK PUTERI 5. BATU ARANG 6. KOTA PUTERI 7. KUNDANG 8. KUANG 9. GOMBAK (with postcode in Selangor) 10. JALAN IPOH (with postcode in Selangor)
SEPANG <u>MAGISTRATE COURT</u>	1. KESELURUHAN DAERAH SEPANG 2. CYBERJAYA
SEPANG <u>SESSION COURT</u>	1. SELURUH DAERAH SEPANG 2. CYBERJAYA 3. DAERAH KUALA LANGAT (BANTING)
SUNGAI BESAR	1. SABAK BERNAM 2. SUNGAI BESAR 3. SEKINCHAN 4. SUNGAI AIR TAWAR
TELUK DATOK	TELUK DATOK



5. Civil Law Conference 2023 Theme “Civil Law Ad Infinitum”



The Selangor Bar hosted the Civil Law Conference 2023, on 29th and 30th September 2023 at the Empire Hotel, Subang. The Conference was attended by the Chief Justice of Malaysia, the Right Honourable Tun Tengku Maimun Binti Tuan Mat who was delivering the Keynote Address and Tuan Haji Mohamad Ezri Bin Abdul Wahab who was also delivering the Special Address during the opening ceremony. The Conference showcased a variety of distinguished speakers who presented on various current topics of law in civil litigation, as follows: -

1. **Speaker:** YA Datuk Harmindar Singh Dhaliwal
Moderator: Mr. Edward Andrew Saw Keat Leong
Topic: Current Issues on Defamation Law
2. **Speaker:** YA Dato' Mary Lim Thiam Suan
Moderator: Mr. Richard Wee
Topic: Equity and Remedies – Ubi Jus Ibi Remedium
3. **Speaker:** YA Dato' Sri Hasnah Binti Dato' Mohammed Hashim
Moderator: Ms. Farah Shuhadah Razali

Topic: Liquidation – Role of Liquidator

4. **Speaker:** YA Dato' Wong Kian Kheong
Moderator: Ms. Elison Wong
Topic: Contract Law – Construction of Contracts including Emojis
5. **Speaker:** YA Tuan Atan Mustaffa Yusoff Ahmad
Moderator: Mr. Fahri Azat
Topic: Muamalat – Islamic Banking Litigation: Some Common Misconception Clarified
6. **Speaker:** Mr. Anand Raj
Moderator: Mr. Gregory Dass
Topic: Topical Tax Law Issues: Challenging the Tax Authorities
7. **Speaker:** YA Puan Alice Loke Yee Ching
Moderator: Mr. Dinesh Nandrajog
Topic: Aggravated & Exemplary Damages – Fatal Injuries
8. **Speaker:** YA Tuan Anand Ponnudurai
Moderator: Mr. Muhendaran Suppiah
Topic: Employment – Recent Developments in Industrial and Employment Law
9. **Speaker:** YA Tuan Kenneth St. James
Moderator: Mr. Farez Jinnah
Topic: Effective Advocacy in Intellectual Property Cases
10. **Speaker:** Puan Dayang Ellyn Narisa Binti Abang Ahmad, Mr. Chang Chen Seng and Ms. Dewi Radin Amir
Topic: AI & Technology
11. **Speaker:** YA Puan Evrol Marriette Peters
Moderator: Ms. Cyndi Chow Li Kian
Topic: Family Law – Custody Disputes: The Right of the Child to be Heard
12. **Speaker:** Mr. Santhana Dass
Moderator: Mr. Desmond Ho Chee Cheong
Topic: The Civil Law (Amendment) Act 2019 – its impact on Assessment of Damages for Personal Injury Claims

The conference saw 161 delegates, comprising law students, pupils-in-chambers, practicing lawyers, judges, and non-members, attend the one and a half-day conference. All participants were awarded 10 CPD Points and received a complimentary unique backpack specifically designed for this Conference.

We wish to extend our sincere appreciation and gratitude to the Chief Justice of Malaysia, the Right Honourable Tun Tengku Maimun Binti Tuan Mat, for delivering the keynote address and Tuan Haji Mohamad Ezri Bin Abdul Wahab for delivering the Special Address.

We also thank the speakers and moderators for agreeing to speak and moderate at the conference and our generous sponsors for their contribution and sponsorship. Lastly, thank you to all the delegates for participating in the conference.



6. This Sub-Committee extends our appreciation to the Court for their kind co-operation in resolving the issues or concerns raised by Selangor Bar Committee promptly.



7. We wish to express our appreciation and gratitude to the Chairman of the Selangor Bar Committee, Mr. M K Thas for his support and guidance.
8. We would like to express our gratitude to all the members of this sub-committee for their contribution, commitment, assistance in making this committee work a success.
9. We would like to thank the members of the Selangor Bar Committee and our Members for their continuous support and assistance throughout this term.

Report submitted by:-

Ambiga Rajendran

Yu Ai Ting

Co-Chairpersons

Civil Practice and Court Liaison Sub-Committee