

JOHORE BAR COMMITTEE

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PRIVATE & CONFIDENTIAL

TO ALL MEMBERS OF THE JOHORE BAR

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WHATS HAPPENING AT THE JOHORE BAR

Here is an update to members as to what is transpiring at the Johore Bar at the present moment.

As is common knowledge the Extraordinary General Meeting (EGM) held on the 26th of November 2010 removed P Suppiah and the members of the then Johore Bar Committee, namely Ms Asha Pereira, Mohd Rasheed Hassan, Puan Nor Aishah Abdul Rahman, Feruz Anwar Seth, Ms Shymala Armugam, S Vijayaretnam@Veizay, Ms Tng Poh Ying, and Lawrence Chiong Sheng Fan. It also removed the Johore Bar Secretary, Ms Pushpalatha Naidu from office. See Circulars no. TBC/64/10 and TBC/68/10.

The Bar Council's office bearers vide letter of 29-11-2010 recognized the removal of the earlier Committee and recognized the new Committee elected on 26-11-2010. This was ratified and endorsed by the full Council Meeting on 04-12-2010, after it had heard and considered P Suppiah's arguments that he was the legal and legitimate Chair and that he cannot be removed until the next AGM of the Johore Bar.

Suppiah by an Originating Summons no. 24M-214-2010 filed on 03-12-2010 has prayed for the following:

1. That the purported dismissal of the Plaintiff pursuant to the 1st Motion at the EGM held on 26.11.10 is null and void and ultra vires the Legal Profession Act (LPA).
2. That the purported dismissal at the said EGM of the lawfully elected Committee Members of the Johor Bar is null and void and ultra vires the LPA.
3. That the purported dismissal at the said EGM of the Secretary of the Johore Bar is null and void and ultra vires the LPA.
4. Such further or other kinds of relief.

The Defendants in the Originating Summons are:

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|---------------------------------------|--------------------------------------|
| 1. S Balarajah | 8. Mohd Nor Bin Zabidin |
| 2. S Gunasegaran | 9. Pn Norhayati Bte Mohamed |
| 3. Dato' Haji Kuthubul Zaman Bukhari | 10. N Kunasegaran |
| 4. Pn Shahareen Begum Bt Abdul Subhan | 11. N Jagatheeson |
| 5. Gurcharanpal Singh | 12. Hisyam Bin Abdullah@Teh Poh Teik |
| 6. R Jayabalan | 13. Norman Joseph Fernandez |
| 7. Pn Iza Dora Binti Md Hanipah | 14. Ms Mary Jesmal Pereira |

The sole Plaintiff is P Suppiah, and the procedure employed by him is an Originating Summons filed under Order 7 and Order 15, r16 of the Rules of the High Court 1980.

The Committee members/defendants engaged Solicitors, and appointed Tuan Haji Sulaiman Abdullah as lead counsel to defend the Suit. Various applications and affidavits have been filed. On 10-01-2011 Justice Dato' Abd Halim Bin Aman heard arguments on whether or not the procedure employed by the Plaintiff was an abuse of process. The Defendants argued that the Plaintiff ought to have gone under Order 53 of the RHC, based on authorities such as the Federal Court decision in Ahmad Jefri bin Mohd Jahri v Pengarah Kebudayaan & Kesenian Johor & Ors [2010] 3 MLJ 145. The Plaintiff argued that authority was distinguishable. Judgment on this issue was reserved for 31st January 2011.

The Johore Bar Committee will keep members informed of the developments.

It is because of the existence of this Suit that the Committee has for the time being voluntarily postponed courtesy call on the Judges, in order not to put the Honourable Judges in any difficult position.

With best wishes.

Tay Bee Choo
Hon. Secretary