

# JOHORE BAR COMMITTEE

## JAWATANKUASA PEGUAM NEGERI JOHOR

No.7.02 & 7.03, 7<sup>th</sup> Floor, Menara TJB,

No.9, Jalan Syed Mohd Mufti, 80000 Johor Bahru

Tel : 07-276 3888 , Fax: 07-276 1188, E-mail: [secretariat@johorebar.org.my](mailto:secretariat@johorebar.org.my) <http://www.johorebar.org.my>

CIRCULAR NO. 49/10

**FOR MEMBERS ONLY**  
*Internal Circulation*

08<sup>th</sup> October 2010

### PRIVATE & CONFIDENTIAL

TO ALL MEMBERS OF THE JOHORE BAR

BY COURT BOX/ EMAIL/FAX/POST

(Note : As the circular is distributed via e-mail/fax, in the event it is forwarded to one person in a firm, kindly print the same and distribute amongst the other lawyers and pupils in your office)

We set forth the herein below the following for your information and attention : -

- 1.0 **The Johor Bahru High Court launched the NCvC on 01-10-2010**
- 1.1 The Johore Bar Committee members were invited to attend the launch on 01-10-2010 officiated by the Chief Judge Tan Sri Arifin Bin Zakaria.
- 1.2 We enclose herewith a copy of the Pamphlet on the NCvC which is self-explanatory for your perusal.
- 2.0 **Points raised on 06/10/2010 with Y.A Datuk Hj. Ramly Bin Hj Ali, Tuan Vernon Ong and Tuan Nu'aman Bin Mahmud Zuhudi in regards to NCvC.**
  - a) Parties filing suits must get endorsement from Chief Clerk (Md Zain) and immediately file and return it to Md Zain for sealing and extraction.
  - b) Outstation firm are encouraged to use Agents/ law firms for their filing.
  - c) There will be a very strict time-line imposed and mention dates will be fixed every month.
  - d) Interlocutory Applications must be filed within 1 month. (Order 14/Order 18)
  - e) All ex-parte applications (SS/Out of jurisdiction can be filed, heard and order granted on the same day – Be ready with your Draft Orders.
  - f) No applications for extension of time for NCvC cases
  - g) Mediations (if any) can be done/requested after close of pleadings.
  - h) All affidavits are controlled – strict time-line.  
3 Affidavits and if necessary 2 further affidavits both of which to be filed within 1 week.
- 2.1 Y.A Datuk Hj Ramly Bin Hj Ali and Tuan Vernon Ong both requested lawyers to support the NCvC for it to be successful. Johor Bahru being the 2<sup>nd</sup> Court in the country to begin with this system.
- 3.0 **A letter from the Chairman in regard to Mr Norman Fernandez's Notice of Motion dated 06-09-2010 and why it was not tabled at the EGM on 15-09-2010 is enclosed herewith.**
- 4.0 **The Chief Registrar has also issued a circular "Panduan Pemfailan Deraf Perintah Penghakiman/Perintah Penghakiman Bersih"**  
Members may download from the Johore Bar website or Bar Council website or pay small fee being photocopy charges to obtain a copy.

PUSHPALATHA NAIDU  
HON SECRETARY

Encls.

(This is a computer generated letter. No signature is required)

## THE NEW CIVIL COURT (NCvC) IN THE HIGH COURT AT JOHOR BAHRU

### Introduction

The establishment of the NCvC in Johor Bahru High Court is in line with the commitment of the Judiciary to improve the efficiency and competency of the court in its delivery system. The main objective of its establishment is to dispose of cases expeditiously within 9 – 12 months from the date of filing.

### The Set up

1. The NCvC Johor Bahru will commence its operation on 1<sup>st</sup> October 2010. Initially, it will deal with all Writ actions in civil matters under codes 21 (Civil Proceedings by and against the Government); 22 (Civil Suit – General); 22A Civil Suit – Muamalat); and 23 (Civil Suit – Tort) filed on 1<sup>st</sup> October 2010 and thereafter.
2. Initially, the NCvC will be handled by Justice Vernon Ong Lam Kiat, assisted by 1 Deputy Registrar, 1 Senior Assistant Registrar and 2 supporting staff.

### The Approach

3. To achieve its objective, the NCvC undertakes:
  - a) to set target for disposal of cases and to take charge on the management of cases immediately upon registration or filing until final disposal;
  - b) to set time limit for service and filing of documents, disposal of all interlocutory applications related to the cases, and to ensure strict compliance by litigants or their lawyers within stipulated periods;
  - c) to ensure that each case is ready for trial within 6 – 7 months after registration or filing;
  - d) to be strict on request for adjournment by litigants; and
  - e) to increase its efficiency and effectiveness.
4. Under the NCvC, the initial case management of each case is done by the Registrar. The final case management will be done by the judge, before trial date is fixed. Generally, case management must be finalized within 6 – 7 month after registration or filing of the case.
5. Pending cases filed prior to 1<sup>st</sup> October 2010, will continue to be handled by the existing 3 civil courts (2 for T-track and 1 for A & M

track). These pre-1<sup>st</sup> October 2010 cases with the same number of judges are expected to be disposed of by middle of 2011 (June – July), after which all the 4 civil courts in the Johor Bahru High Court will be dealing with current civil cases under the NCvC.

6. All documents in relation to the NCvC cases need be filed at a special counter at the Civil High Court Registry, Johor Bahru.

7. To facilitate smooth operation of the NCvC in Johor Bahru, litigants and lawyers are advised to contact Deputy Registrar, Tuan Nu'aman bin Mahmud Zuhudi (Tel No. 07-2202576) and Senior Assistant Registrar, Puan Norzaliza binti Tesmin (Tel. No: 07-2282332/ 2202559) for further information and clarification.

**Managing Judge Unit  
Johor Bahru High Court.  
Dated: 1<sup>st</sup> October 2010.**



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**Chairman:**

Mr P Suppiah

**Hon Secretary:**

Ms Pushpalatha Naidu

**Bar Representative:**

Mr K Mohan

**Committee Members:**

Ms Asha Pereira  
Encik Mohd Rasheed Hassan  
Ms Nor Aishah Binti Abdul  
Rahman  
Encik Feruz Anwar Seth  
Ms Shymala Armugam  
Mr S. Vijayaretnam @ Veizay  
Ms Tng Poh Ying  
Mr Lawrence Chiong Sheng Fan

**TO ALL MEMBERS OF THE JOHORE BAR**

**RE: EGM HELD ON 15.9.10**

1. I would like to say a few words about the EGM which was held on 15.9.10.
2. Fifty-two Members of the Johore Bar asked the Committee to call for an EGM to discuss K.P.I. matters (only).
3. The Committee agreed and called for the said EGM.
4. Then a Motion was sent by Mr Norman Fernandez dated 6.9.10 (9 days before the said EGM).
5. He was the proposer of this Motion which was seconded by Mr John Fernandez.
6. The Committee at its Meeting held on 7.9.10 decided not to put forward the said Motion before the EGM to be held on 15.9.10 and it accordingly sent a letter dated 8.9.10 to Mr Norman Fernandez as the mover of the said Motion.
7. The reason stated in the said letter by the Committee is as follows:

I quote:

"The Committee at its meeting held on 07.09.2010 decided not to put forward the Motion before the EGM on 15.09.2010 for the reason that there is no provision in the Legal Profession Act to call for the resignation of the Chairman and as Section 70(5) of the Legal Profession Act says that the Chairman and the members of the Committee elected shall hold office until the conclusion of the next AGM which is scheduled for 25.02.2011"

8. Mr Norman sent a letter to the Committee dated 13.9.10 (two days before the said EGM) in which he threatened:

“Should the Chairman and the Committee still refuse to,

I am then compelled to lodge a complaint with the Disciplinary

Board.”

9. The EGM was held on 15.9.10.
10. Mr Norman Fernandez at the said EGM wanted his Motion to be included in the Agenda by way of an amendment and it was refused for the reason stated in the said letter referred to in para 7 above.
11. Datuk Kuthubul Zaman then bypassed the Meeting (hijacked the Meeting) and asked Mr Balarajah to chair the Meeting and Mr George Mathews to be the Secretary and the Meeting continued with Mr Balarajah chairing the Meeting.
12. As you can't have two Chairmen running the Meeting, the Committee and I decided to call off the Meeting and walked out.
13. The hijacked Meeting continued and it passed an illegal resolution to say I should resign within 7 days, failing which I shall be deemed to have vacated my office, to which resolution I refused to heed for the reasons stated in para 7 above and as the continued Meeting was illegal.
14. At the conclusion of the Meeting, further directions were given by Mr Balarajah which are:
- (1) The staff of the Johore Bar (three of them) were told by him that they were no longer answerable to me AND THE COMMITTEE. That they were answerable to him for 7 days and if I came to the office I should not be entertained.
  - (2) Mr Menon chipped in and said that my power has come to an end so I should not have access to the keys (especially documents).
  - (3) Mr Balarajah agreed that nothing should be released to me and the three members of the staff were so directed.

15. The irony of all this is this:

Mr Norman Fernandez at the said Meeting said as follows (I quote):

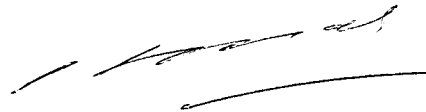
If I did not want to resign and if I refused to resign then

“we cannot force him to resign” and “I don't think

there is a provision for us to remove him”

16. In spite of what is stated in para 7 above, I believe signatures are now being collected for the calling of another EGM for me and the Committee to be removed!
17. All the facts stated above are in the C.D. (two parts) made of the said Meeting which is available to any Member for a fee of RM5.00. If you want a free C.D., please let us know, we will consider.
18. Please hear it for yourself and please again do not listen to rumours.

Date: 08/10/2010



P. SUPPIAH  
CHAIRMAN JOHORE BAR

c.c Mr George Varughese  
Secretary,  
Malaysian Bar