

DALAM MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR
DALAM WILAYAH PERSEKUTUAN, MALAYSIA
BAHAGIAN SIVIL
NO. GUAMAN SIVIL : WA-22NCvC-235-04/2019

ANTARA

PELANGI PRESTASI SDN BHD
(NO. SYARIKAT: 1262415-A)

...PLAINTIF

DAN

SABAH FOREST INDUSTRIES SDN BHD
(NO. SYARIKAT: 84330-K)

LEE & MAN PAPER MANUFACTURING LIMITED

GRANT THORNTON CONSULTING SDN BHD
(NO. SYARIKAT: 455582-W)

DATO' NARENDRAKUMAR A/L CHUNILAL RUGNATH
(NO. K/P: 491120-04-5377)

...DEFENDAN

JUDGMENT

Background facts

1. In this case the claims between the parties originated from the Plaintiff's claim for the return of a deposit paid to the Defendant for



the failure of condition precedent of a sale and purchase agreement between the Plaintiff and the Defendant.

2. Beside the return of the deposit the Plaintiff had also applied for an interim injunction against the Defendant which had the effect of freezing the Defendant's bank account.
3. The interim injunction was subsequently set aside after the hearing of an inter parte injunction. The Defendant then claimed for damages suffered as a result of the interim injunction being granted against them.
4. The case was fixed for assessment of damages. However the Plaintiff applied for a stay of the assessment pending the Plaintiff's claim against the Defendant.
5. The Court decided for the just, economical and expeditious disposal of the case both the Plaintiff's claim and the assessment of damages could be heard in consolidation. For this purpose both the matters were set down for a full trial.

Order 34 of the court Rules 2012

6. The Court's power to direct the disposal of a claim in a just, economical and expeditious manner is given under Order 34(1) which stipulates as follows:

(1) Notwithstanding anything in these Rules, the Court may, at any time after the commencement of proceedings, of



its own motion, direct any party or parties to the proceedings to appear before the Court, in order that the Court may make such order or give such direction as it thinks fit so that-

- (a) all matters which must or can be dealt with on interlocutory applications and have not already been dealt with may so far as possible be dealt with; and
- (b) such directions may be given as to the future course of the action as appear best adapted to secure the just, expeditious and economical disposal thereof.
(emphasis mine)

Dated: 20.9.2023



DATO' HAJI AKHTAR BIN TAHIR

Judge

High Court of Malaya, Kuala Lumpur



PARTIES

For the Plaintiff:

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For the Defendant:

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