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Court of Appeal stays order for firm to provide particulars

KUALA LUMPUR, Mon. - The Court of Appeal today stayed a High Court order that Star Papyrus Printing Sdn Bhd has to provide additional particulars relating to its defence in respect of businessman Mirzan Mahathir's RM150 million libel suit against it.

In a consent judgment, judges Datuk Siti Norma Yaacob, Ahmad Fairuz Sheikh Abdul Halim and Denis Ong made no order on costs.

The court made the ruling after Star Papyrus' counsel Gurmeet Kaur Sidhu said the parties had agreed to the stay pending appeal which would be heard on Dec 22.

The printer was also represented by Bhag Singh while Datuk V.K. Lingam and Ramesh N.P. Chandran appeared for Mirzan.

Mirzan, the group executive chairman of Konsortium Perkapalan Berhad, is suing Star Papyrus over Asian Wall Street Journal's article entitled Mahathir's Eldest Son Limits Ambitions, written by G. Bruce Knecht which was front-paged on Jan 4, this year.

Star Papyrus is a subsidiary of the Star Publications Berhad.

Mirzan claimed that a paragraph in the article implied that he had built his business empire as a willing beneficiary of nepotism, favouritism and privilege and not on his own ability.

He said his reputation was seriously damaged and brought into public odium, scandal and contempt.

Mirzan further claimed that the article gave the impression that he had conducted his business affairs in an incompetent manner and had only survived because he had used his position as the Prime Minister's son and was bailed out by the Government under his father's influence.

Star Papyrus' defence was that it merely provided a room for Dow Jones Publishing to keep its equipment to receive the negative prints of the contents of the AWSJ transmitted by Dow Jones by electronic signals from Hong Kong.

It also provided staff to operate the equipment, newsprint and service for platemaking and bundling the journal.

Star Papyrus said the AWSJ was a newspaper and denied that it (Star Papyrus) published or authorised the publication of the journal.

The printer also denied that the disputed words had the meaning contended by Mirzan.

Star Papyrus contended that, in any event, Mirzan had consented to, or alternatively, assumed the risk of the widespread publication of the words by giving an interview, knowing that it would be published in a feature article.

Mirzan, in his reply to Star Papyrus' defence, denied that he had consented or voluntarily assumed the risk of widespread newspaper publication of the words by giving the interview.

On Aug 14, the High Court senior assistant registrar ordered Star Papyrus to give additional particulars within 14 days (from Aug 14), failing which its defence would be struck off.

Star Papyrus applied for a stay of the order, but it was denied by the senior assistant registrar and later, on Aug 18, the High Court dismissed its application for a stay.

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