

Court to hear Mirzan's application on Thursday

18 APR 2000

KUALA LUMPUR, Mon. — The High Court today fixed Thursday to hear businessman Mirzan Mahathir's application to strike out Star Papyrus Printing Sdn Bhd's defence in respect of his RM150 million libel suit against it.

In the application dated April 12, Mirzan is seeking to strike out Star Papyrus' defences on the grounds that there was no reasonable defence.

He is also seeking that judgment be entered against Star Papyrus, with costs and other relief.

Judge Datuk R.K. Nathan had on March 7 dismissed an appeal by Star Papyrus against a Senior Assistant Registrar's decision in ordering that they furnish the further details of their defence.

In an affidavit supporting the application, Mirzan said Star Papyrus failed to furnish proper particulars.

Counsel Datuk V.K. Lingam, who is representing Mirzan, earlier submitted that Star Papyrus had "shamelessly admitted that it did not have the particulars and documents in its possession . . . which was with a third party overseas . . ."

Nathan later directed that the application be heard before a Senior Assistant Registrar and that the SAR fix an early date to hear the application.

Nathan had also earlier dismissed with costs Star Papyrus' application for a stay of proceedings pending an appeal against

Nathan's decision for it to furnish further details of their defence.

Referring to a letter by Star Papyrus to Mirzan, Nathan said:

"... How can a local newspaper say they were instructed by Dow Jones Publishing Company (Asia) Inc (the third party) to plead the evidence but now say that the evidence and the documents are with Dow Jones Star Papyrus should never have even ventured into all this without the documents .

"Any prudent newspaper would have realised that they would be sued..."

Mirzan, the group executive chairman of Konsortium Perkapalan Berhad, is suing Star Papyrus over an *Asian Wall Street Journal* article entitled "Mahathir's eldest son limits ambitions", written by G. Bruce Knecht which was front-paged on Jan 4, last year.

Star Papyrus is a subsidiary of Star Publications Berhad.

In his statement of claim, Mirzan said his reputation was seriously damaged as 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.

Star Papyrus denied it published or authorised the publication of the journal.

Counsel Bhag Singh and Gurmeet Kaur represented Star Papyrus and R. Thayalan appeared with Lingam for Mirzan.