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Dismissed: Star Papyrus' appeal against order to give case details

KUALA LUMPUR, Tues. - A defendant in a defamation suit relying on the defence of justification has a clear duty to inform the plaintiff the precise details he intends to justify, the High Court ruled today. Judge Datuk R.K.Nathan said the defendant must give full details of all the facts he was relying on to support his defence.

"The particulars must be sufficiently detailed not merely to enable the plaintiff to go to trial knowing the general lines of the case which is to be made against him, but to know the particular facts which the defendant alleges against him and which go to justify the imputation contained in the libel."

Nathan said this when dismissing an appeal by Star Papyrus Printing Sdn Bhd against a Senior Assistant Registrar's decision in ordering that they furnish further details of their defence in respect of businessman Mirzan Mahathir's RM150 million libel suit against it.

In a 36-page judgment, he said Star Papyrus, via a letter, had informed Mirzan that some of the documents requested for were in the hands of third parties, namely Dow Jones Publishing Company (Asia) Inc, and could only be made available at the trial.

Nathan said Star Papyrus's attitude was "menial and subservient" in complying with a request by Dow Jones to include the defences of consent, justification, qualified privilege and fair comment after initially saying it bore no malice against Mirzan.

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 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.

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 denied it published or authorised the publication of the journal. Gurmeet Kaur Sidhu represented Star Papyrus while Datuk V.K. Lingam appeared for Mirzan.

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