

Bala's wife can't sue Najib, Rosmah, court told

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The widow of late P Balasubramaniam has no locus standi to file a suit against Prime Minister Najib Abdul Razak and wife Rosmah Mansor without letter of administrative, Kuala Lumpur High Court was told today.

"There must be a seal order from the court before she filed the legal proceeding," said lawyer Hafarizam Harun (below), who represented both Najib and Rosmah.

There was no letter of administrative from the first plaintiff AS Selvi, who filed the RM1.9 million suit on both her personal capacity and as representative of the estate and lawful widow of Balasubramaniam, he said.

He said it was doubtful whether Selvi can act on behalf of Bala, or if she can do so in her personal capacity.

The plaintiff claimed that a conspiracy had forced her family into exile, he said, but, if such a conspiracy had existed, it would only involve Bala and not Selvi

"On the locus standi of personal capacity, if there is an agreement to conspire...it was not designed toward the plaintiff, and resulted damages to her," he said during a submission to strike out the trial.

The court fixed Dec 11 to deliver the decision.

According to Hafarizam, there is no reasonable cause of action given, as the plaintiff did not state how Najib and Rosmah were involved in the conspiracy, leading to Bala retracting his first statutory declaration (SD) and later forced to go into exile.

Special circumstances

Meanwhile, Americk Sidhu, the counsel for Bala's family said Selvi is entitled to file the suit under the special circumstances, even if she does not have an administrative letter empowering her to represent Bala.

In this case, Americk said, the family has to file the suit before the expiry six years period from July 3, 2014, the date Bala revealed his first SD, he said.

The first SD revealed in July 3, 2008 linked then Deputy Prime Minister Najib Abdul Razak to murdered Mongolian national Altantuya Shaariibuu.

However, Bala (left) abruptly disclaimed the SD on the next day through a second SD at a

hastily convened press conference.

He was subsequently bundled out of the country together with his family and was never heard of again until the following year.

Selvi and her three children have filed the suit following the discovery of what had taken place on the night of July 3, and morning of July 4, 2008.

They also named two of Najib's brothers, Ahmad Johari and Nazim, senior lawyer Cecil Abraham and his son, Sunil Abraham, who is also a lawyer, as respondents.

Other respondents included businessman Deepak Jaikishan, commissioner of oaths Zainal Abidin Muhayat and lawyer M Arunampalam.

Other counsels included the plaintiff's lawyer Manjeet Singh Dhillon, Najib's lawyer Nazeera Hanifa and Choo Shi Jin, Ahmad Johari's lawyer Dhinesh Bhaskaran and Denise Tan, Nazim's lawyer R Archana and B Thangaraj and Darryl Goon who represented Cecil and Sunil.

Deepak was represented by Gabriel Daniel, while Arulampalam was represented by Chong Lan Shin. Zainal Abiddin was represented by Satha Ruban.

Equally responsible

All the respondents also applied for a strike out, arguing that their clients did was nothing illegal in drafting the second SD, arranging for Bala to appear in the press conference and speaking on his behalf to the media.

They also took the ground that the statement of claim was based on hearsay and ought to be struck out as a trial is a waste of time and abuse of court procedure.

They tried to individually show that they are innocent and had no part in forcing Bala to go into exile.

However, Americk argued that each had played their roles and could be held equally responsible.

Americk (right) even went on to name few offenses which had took place, including criminal conspiracy, threatening, abetment, fabricating and using false evidence, wrongful confinement, wrongful confinement in secret, abducting, kidnapping to foreign country and expulsion.

This suit warranted a full trial to be heard, he said.

Meanwhile, Selvi denied that she was seeking publicity as claimed by Najib through his affidavit.

"I categorically deny this assertion," she said.

To prove her point, she said, she submitted a letter she wrote to the respondents offering to consent to a gag order if an early settlement is reached.

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