

Suit by PI Bala's widow against PM struck out
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The Kuala Lumpur High Court has today struck out a RM1.9 million suit filed by the widow of P Balasubramaniam against Prime Minister Najib Abdul Razak and his wife Rosmah Mansor and seven others.

Justice Hasnah Mohamed Hashim said A Santamil Selvi has no locus standi (legal standing) to file the suit, as she does not possess the letters of administrator document to manage the late private investigator's estate.

"The statement of claim also failed to state the reasonable cause of action against all the defendants and the conspiracy claimed," she said in her written judgment.

"There is lack of clarity in the pleadings to cite conspiracy on the defendants. There is no special circumstance to hear the merits of the suit as the plaintiff has no locus standi. Following this, the court allows the claim to be struck out," the judge ruled further.

Justice Hasnah questioned why the late Balasubramaniam (left) or his family did not file the suit while they were in exile, or when they returned home last year.

"He or his family could have filed the suit between 2008 and 2013," she said.

Santamil filed the suit in June this year as she had to file it before July 4, following the expiry period for anyone to file a suit within six years.

In his first statutory declaration (SD), Balasubramaniam implicated Najib in the Altantuya Shaariibuu murder trial on July 3, 2008, only to retract it under mysterious circumstances the next day.

The court, however, did not rule whether Santamil's three children with the late Balasubramaniam had the locus standi to file the suit, said their family lawyer Americk Sidhu.

Hasnah also ordered Santamil to pay RM2,000 costs each to six of the nine defendants, including Najib and Rosmah.

The defendants who did not ask for costs are Najib's younger brother Ahmad Johari, who is a lawyer, senior lawyer Cecil Abraham, and Cecil's son Sunil, also a lawyer.

Those who asked for costs besides Najib and Rosmah and were awarded RM2,000 by Justice Hasnah were Najib's younger brother Nazim - an architect; commissioner of oaths Zainal Abidin Muhayat, carpet businessman Deepak Jaikishan; and lawyer M Arulampalam,

who was at the second press conference following the second SD.

Americk : We will file appeal

When met after the proceedings, Americk said he will file an appeal, following today's decision.

"Initially, I was hoping for a glimmer of hope in today's decision but it proved otherwise," he said.

Americk (right) said this is one of the most comprehensive suits he has ever filed and wondered why the court found it lacking in clarity.

"I guess in Malaysia, it is not the law which applies, but whom you are suing that matters," he said.

While Justice Hasnah ruled there were no special circumstances for Santamil to file the suit without the letter of administration of the estate, Americk said the court should have considered the circumstances in the case.

"The pleadings are clear, despite what the judge said, as it is based on four video compact discs (of interview) and hundreds of documents that are available.

While the court, in striking out the suit, should have touched on the issue in general, the senior lawyer said it seemed the judge has gone into the merits of the case.

'An uphill task'

Americk admitted facing an uphill task, but pointed out that in this case, there are nine people doing the same thing in trying to get Balasubramaniam out of the country (following the first SD).

He cited several offences which had taken place on the late private investigator and his family.

He said they include criminal conspiracy, threatening, abetment, fabricating and using false evidence, wrongful confinement, abduction, kidnapping to a foreign country, and expulsion.

The list of offences, Americk said, warranted a full trial.

Santamil (left) has 30 days to file the notice of appeal.

The housewife and their three children filed the suit, naming the nine as defendants, after their exile to India, following revelations made in the first SD.

Both Najib and Rosmah were represented by Umno-linked lawyer Mohd Hafarizam Harun.

At present, a separate disciplinary proceeding is being meted by the Advocates and Solicitors Disciplinary Board against Abraham for allegedly drafting the second SD.

Nazim and Deepak played a role in meeting Balasubramaniam following the revelations in the first SD.

Balasubramaniam died in March last year of a heart attack after he and his family returned to Malaysia.

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