

Widow's suit against Najib, Rosmah struck out

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The Court of Appeal today struck out a RM1.9 million suit filed against Prime Minister Najib Abdul Razak and his wife Rosmah Mansor by private investigator P Balasubramaniam's widow A Santamil Selvi.

The appellate court had unanimously ruled that the notice of appeal filed by Santamil's lawyer Americk Sidhu is defective.

The court also allowed two of Najib's younger brothers Johari (left) and Nazim, along with senior lawyer Cecil Abraham and his son Sunil Abraham, lawyer M Arunampalam and Commissioner of Oaths Zainal Abidin Muhayat's applications to strike out the notice of appeal.

Justice Mohd Zawawi Mohd Salleh also ordered Santamil to pay RM5,000 costs to each of them. As such, she needs to fork out a total of RM40,000.

“Having heard the oral and written submissions, we are in complete agreement with the lawyers for the applicants the notice of appeal (filed by Santami) is defective and is struck out,” Justice Zawawi said.

However, her suit against carpet businessman Deepak Jaikishian would go on as the controversial businessman did not submit an application to strike out.

The Court of Appeal will fix a case management date for Americk to reinstate the suit.

The other judges in the three member bench were Justices Abdul Rahman Sebli and Zamani A Rahim.

Americk (right), when met by reporters after the proceeding, said he will seek further instructions on whether to appeal today's decision.

The grounds of their striking-out application were based on a technicality where the notice of appeal did not state which decisions Santamil was appealing.

As there were seven different parties, the notice of appeal should be specific to dictate what decision the widow was appealing, against each and everyone of them.

It was previously reported that all the defendants had on last April 24, at the Kuala Lumpur High Court managed to strike out the suit filed against them by Santamil Selvi and her two children, without the suit going to a full trial.

‘No legal standing and clarity’

The main reason for the striking out at the High Court was that she does not have the locus standii (legal standing) to initiate the suit, as she does not possess the letters of administrator document to manage the late private investigator's estate.

However, Najib and Rosmah's application to strike out was not made on the basis of locus standi, where his lawyer Mohd Hafarizam Harun argued there is lack of clarity in the pleadings to cite them in the suit.

Today, Hafarizam (right) said there is ambiguity in the notice of appeal filed by Americk as it does not indicate which decision she is appealing as his client's ground for striking out is different from the others.

The other lawyers representing their other clients agreed that there should be seven notices of appeal filed to each of their clients to indicate which ground they are appealing.

"Although there is one ground of judgments, there are several different decisions each on our client as there are seven different sealed orders made," they cited.

Americk said if there is an error the Court of Appeal could allow leeway for him to amend the notice of appeal.

He said if they argue that the notice of appeal only states 'keputusan' (decision), the court should allow us to amend and put 'keputusan-keputusan' (decisions) by the High Court.

Suit filed over exile

Santamil Selvi (left) filed the suit in the middle of last year following the family's five-year exile between 2008 and 2013 in India.

This follows Balasubramaniam's first statutory declaration (SD) in July 2008, which states Najib knew and had relations with Mongolian national Altantuya Shaariibuu.

The family claimed the private investigator was forced to retract the first SD, following approaches made by Deepak and Nazim, who is an architect.

A second SD was made allegedly drafted by Cecil and Sunil where a press conference was held the next day. Subsequently, as a result of the two SDs, Balasubramaniam and his family were forced to go into exile.

He and his family returned in early 2013 but he died months afterwards, following a heart attack.