

Aug 7 for court decision on bid by Muhyiddin to strike out suit by Mahathir

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Hidir Reduan Abdul Rashid

The Kuala Lumpur High Court has fixed Aug 7 for the decision on an application by Prime Minister and Bersatu president Muhyiddin Yassin and three others to strike out a suit by Dr Mahathir Mohamad and four others.

Justice Rohani Ismail made the decision after hearing submissions by parties during the chamber session, which lasted from morning until this afternoon.

Muhyiddin and the three are seeking to strike out the legal challenge against the removal of Mahathir and four others from Bersatu.

The other three are the Home Minister and Bersatu secretary-general Hamzah Zainudin, Bersatu organising secretary Muhammad Suhaimi Yahya, and Registrar of Societies (ROS) director-general Masyati Abang Ibrahim.

Muhyiddin and the three are defendants named in the lawsuit by disputed Bersatu chairperson Mahathir and four other plaintiffs.

The other four plaintiffs are disputed party deputy president Mukhriz Mahathir, disputed secretary-general Marzuki Yahya, as well as disputed supreme council members Maszlee Malik and Amiruddin Hamzah.

Mahathir and the other plaintiffs are suing over their alleged wrongful termination from the party.

Lawyer Rosli Dahlan confirmed the outcome of chamber proceedings when met by the media this afternoon. He acted for Muhyiddin and the three.

Rosli explained that the court today not only heard the defendants' application to strike out the whole suit, but also other interlocutory applications by both parties.

He was referring to the defendants' applications to remove Bersatu and Masyati (photo) as the listed plaintiff and defendant in the suit, respectively.

He was also referring to an application by Mahathir and the other plaintiffs for an interim injunction to maintain status-quo between parties, pending disposal of

the main suit.

“The court heard the applications together, and has set Aug 7 for the decision on the matter,” Rosli said.

He added that among the laws relied on by the defendants to strike out the entire suit is Section 18C of the Societies Act 1966, among others.

Section 18C states that the decision of a political party or any person authorised by it or by its constitution or rules or regulations made thereunder on the interpretation of its constitution, rules or regulations or on any matter relating to the affairs of the party, shall be final and conclusive, and such decision shall not be challenged, appealed against, reviewed, quashed, or called in question in any court on any ground, and no court shall have jurisdiction to entertain or determine any suit, application, question, or proceeding on any ground regarding the validity of such a decision.

Meanwhile, when met after proceedings, the plaintiffs’ lawyer Mohamed Haniff Khatri Abdulla confirmed the outcome of proceedings today and the date for a decision on the defendants’ striking-out bid as well as other interlocutory applications by both parties.

Haniff (photo) explained that in the event the court on Aug 7 decides to dismiss the defendants' striking-out bid, the court would also deliver a verdict on that date whether to grant the plaintiffs' application for interim injunction to maintain status-quo between parties.

"We seek the interim injunction to ensure the defendants do not carry out acts and conduct to prejudice the position of the plaintiffs and the party (Bersatu)," Haniff said.

On June 12, it was reported that Mahathir and the other plaintiffs have filed an application for the interim injunction to maintain status-quo between parties, pending disposal of the main suit.

Meanwhile, Haniff also confirmed that disputed Bersatu youth chief Syed Saddiq Syed Abdul Rahman has withdrawn as a plaintiff from the main suit from today onwards and that the court was informed of this today.

On July 7, it was reported that Syed Saddiq, through a statement, revealed that the former youth and sports minister would not further delay efforts to eject him from Bersatu and would, therefore, withdraw his legal challenge against his removal.

When speaking to Malaysiakini yesterday, Haniff confirmed that Syed Saddiq has spoken with the lawyer on the latter's intent to withdraw from the legal action.

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