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Dr M's affidavit is hearsay, court rules

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REMOVED: It can't be used in Ling's bid to strike out Najib's defamation suit, says judge

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Datuk Seri Najib Razak



Tun Dr Mahathir Mohamad



Tun Dr Ling Liong Sik

THE High Court yesterday declared as hearsay Tun Dr Mahathir Mohamad's document which supports former MCA president Tun Dr Ling Liong Sik's bid to strike out Prime Minister Datuk Seri Najib Razak's defamation suit.

Judge Datuk Nor Bee Ariffin made this ruling when she allowed Najib's application to remove former prime minister Dr Mahathir's affidavit from Dr Ling's bid to strike out the suit against him (Dr Ling).

Najib's counsel, Datuk Mohd Hafarizam Harun, confirmed the ruling made in Nor Bee's chambers.

Hafarizam said Nor Bee found that Dr Mahathir's document was mere hearsay as it failed to state its sources, grounds and reason for per-

sonal knowledge of the allegations contained in the document.

Dr Mahathir's affidavit contained allegations related to the 1Malaysia Development Bhd (1MDB) issue, which was being used by Dr Ling to strike out Najib's legal action against him.

Najib is suing Dr Ling over the latter's statement on the 1MDB issue.

Hafarizam said Nor Bee was of the view that Dr Mahathir's affidavit should not contain hearsay evidence as it was meant to support Dr Ling's application to strike out Najib's suit, which could serve as "final judgment" of the whole matter, if allowed.

Hafarizam said Nor Bee ordered Dr Ling to pay RM5,000 costs to

Najib, and fixed Aug 24 to hear two separate applications.

One was Dr Ling's application to strike out Najib's suit.

The other was Najib's bid to expunge Dr Ling's statement of defence against the suit.

Dr Ling's lawyer, Yeoh Cho Kheong, confirmed the ruling, adding that he would seek instructions on whether to appeal the verdict.

Najib filed the suit on Oct 27 last year, over Dr Ling's allegation that the former had "taken the people's money" in relation to the RM2.6 billion donation issue, which was linked to 1MDB.

Dr Ling was alleged to have uttered the statement during a ceremony at a college here.