

Najib fails in bid to set aside Mareva injunction

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PUTRAJAYA: Former prime minister Datuk Seri Najib Razak has failed to set aside a Mareva injunction obtained by SRC International Sdn Bhd and one of its subsidiaries to restrain him from transferring or selling any of his assets amounting to RM42 million.

A Court of Appeal three-member bench comprising justices Datuk Yaacob Md Sam, Datuk P. Ravinthran and Datuk Seri Mariana Yahya dismissed Najib's appeal yesterday and ordered him to pay RM15,000 in costs.

Justice Yaacob, who delivered the court's decision, said there was no appealable error made by High Court Judicial Commissioner (JC) in granting the Mareva injunction which warranted the appellate court's intervention.

He said JC Datuk Mohd Arief Emran Arifin had considered the law and analysed evidence disclosed in the companies' affidavit before arriving at his conclusion to allow the Mareva injunction.

In fact, he said the JC found that there was a good arguable case.

Justice Yaacob subsequently affirmed the High Court's decision which granted the Mareva injunction to SRC International and Gandingan Mentari Sdn Bhd to prevent Najib from transferring or dissipating of any of his assets amounting to RM42 million.

A Mareva injunction is a temporary order which restrains the defendant from disposing of assets until the determination of the case between the plaintiff and the defendant.

On March 24 this year, the court granted the Mareva injunction to the companies and directed Najib not to remove, dispose of, deal with or diminish the value of any of their assets in and outside of Malaysia up to the value of RM42 million, pending the final determination of the lawsuit they had filed against him.

The former Pekan member of parliament is only entitled to withdraw up to RM100,000 per month for his living expenses

and for payment of legal fees.

This prompted Najib to file an appeal to the Court of Appeal.

SRC International and Gandingan Mentari filed the suit against Najib last year, claiming that he had committed a breach of trust, misused his power, benefitted personally from the SRC International funds and misappropriated the funds.

The suit is pending in the High Court in Kuala Lumpur.

Najib, 69, is serving 12 years in jail after the Federal Court, in August this year, upheld his conviction and jail sentence and RM210 million fine for misappropriating RM42 million in SRC International funds.

In the proceedings conducted online yesterday, Najib was represented by lawyers Harvinderjit Singh, Muhammad Farhan Muhammad Shafee and Mohammad Arfan Wan Othman while lawyers Nagarajah Mutiah and Clament Tay represented the companies. **Bernama**

