

Najib, Rosmah and six others will apply to strike out suit by PI Bala's family
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As expected, almost all defendants including Prime Minister Datuk Seri Najib Razak and his wife Datin Seri Rosmah Mansor today indicated that they intend to strike out a suit filed by the late P. Balasubramaniam's (pic) widow and children.

Lawyer Americk Singh, who is appearing for A. Santamil Selvi and her three children, said the defendants were instructed to file their applications before August 6.

"We will then reply to their applications," he told The Malaysian Insider after a case management before senior assistant registrar Norfauzani Mohd Nordin in chambers.

A striking out application is made if a defendant is of the view that the plaintiff has no reasonable cause of action, there is abuse of court process and it is scandalous, frivolous and vexatious.

If the defendant is successful the merit of the case will not be heard.

A. Santamil Selvi and her children are suing nine people for losses suffered during their exile between July 2008 and early last year following Balasubramaniam's retraction of his first statutory declaration (SD).

Balasubramaniam died of a heart attack on March 15, 2013, weeks after returning from India.

Americk said the case is scheduled to be heard before judicial commissioner Datuk Wira Kamaludin Md Said.

He said all defendants with the exception of carpet dealer Deepak Jaikshan have been served with the court papers.

Najib, Rosmah, Najib's brothers Datuk Ahmad Johari Abdul Razak and Datuk Mohd Nazim Abdul Razak, senior lawyer Tan Sri Cecil Abraham, his son Sunil Abraham, commissioner for oaths Zainal Abidin Muhayat, and lawyer M. Arunapalam, were represented today.

In the suit, the family said the defendants caused Balasubramaniam's second SD "to be drafted without the instructions of the deceased and further caused the deceased to sign the same under threat and inducement".

Balasubramaniam or famously known as P.I. Bala, who was a witness in the murder trial of Mongolian Altantuya Shaariibuu, left Malaysia in a hurry after he signed a second statutory declaration (SD) in 2008, which purportedly cleared Najib of involvement in the case.

Balasubramaniam came into the limelight after he worked for prominent political analyst Abdul Razak Baginda in the Altantuya case and when he retracted his first sworn statement about the matter on July 4, 2008.

Balasubramaniam said in the second SD that he wished "to retract the entire contents of my statutory declaration dated July 1, 2008. I was compelled to affirm the said statutory declaration under duress".

The second SD also read that all statements made were inaccurate and

not the truth.

Balasubramaniam then remained tight-lipped during a news conference at a hotel in Kuala Lumpur where his new lawyer Arunapalam was present to take questions from the media.

They left after distributing the second SD.

Arunapalam said his client was under duress and that he was upset.

On July 3, 2008, Balasubramaniam had told a packed press conference organised by PKR de facto leader Datuk Seri Anwar Ibrahim that the contents of the first SD which implicated Najib and several others in Altantuya's murder in 2006 were true.

At all times, Americk was Balasubramaniam's counsel.

Abraham is facing the Advocates and Solicitors Disciplinary Board for professional misconduct as he was said to have prepared the second SD without receiving any instructions from Balasubramaniam.

The Bar Council has lodged a complaint with the board at the instruction of members who attended its annual general meeting (AGM) last year. Proceedings against Abraham which started in March are ongoing.

Deepak had earlier admitted that he helped get Balasubramaniam to repudiate his first SD by finding two lawyers to draft the new statement.

Americk had thrown light on the contentious SD when he read out a prepared statement at the Malaysian Bar's 67th AGM last year where he had said: "Tan Sri Cecil Abraham admitted to me that he was the one who drafted the second statutory declaration".

Americk had told reporters at the sidelines of the AGM that the directive to Abraham had come from Najib, who was then the deputy prime minister.

Two former police commandos – Corporal Sirul Azhar Umar and Chief Inspector Azilah Hadri – who were charged with Altantuya's murder, were found guilty and sentenced to death by the Shah Alam High Court.

Their convictions, however, were overturned by the Court of Appeal last year.

Putrajaya has appealed against the decision and the Federal Court is expected to deliver its verdict soon.

Razak was acquitted in 2008 for abetting the policemen. – July 10, 2014.

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