

Najib's striking out application to be decided on Dec 31
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By Han Kar Kay

Lawyer, Haniff Khatri Abdulla told the court that the plaintiff did not file the suit as a public officer of Umno and therefore, section 9 (c) of the Societies Act 1966 is not applicable in the civil suit. — TRP file pic

KUALA LUMPUR, Former Langkawi Wanita Umno chief Anina Saadudin filed a derivative action against Prime Minister Datuk Seri Najib Razak pertaining to the controversial RM2.6 billion donation that was deposited into his personal account, the High Court heard today.

Anina's lawyer Haniff Khatri Abdulla told the court that the plaintiff did not file the suit as a public officer of Umno and therefore, section 9 (c) of the Societies Act 1966 was not applicable in the civil suit.

"With reference to the section, it shows that a society may sue or be sued in the name of such one of its members as shall be declared to the registrar and registered by him as the public officer of the society for that purpose..."

"Therefore, the defendants' ground to strike out the suit on the issue of locus standi does not hold water.

"On the issue that Anina has no locus to maintain this action since her membership in Umno has ceased upon the filing of the suit pursuant to Article 20.7 Umno Constitution, we submit that it has no adverse effect on this suit as this is a derivative action," he said in his written submission tendered to the court.

Earlier, counsel Datuk Hafarizam Wan Harun who appeared for Najib, in his written submission tendered for the striking out-application, raised three grounds among others, that Anina had no locus standi to initiate the suit and the court had no jurisdiction to hear the suit pursuant to section 18C of the Societies Act 1966.

The section provided that any matters relating to the affairs of the party "shall be final and conclusive and such decision shall not be challenged or appealed against in the Court".

After hearing lengthy submissions from both parties, Judicial Commissioner Judge Datuk Mohd Zaki Abdul Wahab fixed Dec 31 to deliver a decision on the striking-out application.

Anina filed this suit on Aug 8 against the Prime Minister and also named Umno's executive secretary Datuk Abdul Rauf as the second defendant.

In the statement of claim, Anina was seeking among others, a repayment of RM2.6 billion transferred out by Najib to a Singapore Bank account which did not belong to Umno.

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