

Court defers Pua's move to strike out Najib's suit
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By V. Anbalagan

The High Court has adjourned Petaling Jaya Utara MP Tony Pua's application to strike out Datuk Seri Najib Razak's defamation suit over 1Malaysia Development Berhad (1MDB) pending the outcome of a ruling in another case in the Court of Appeal.

Pua's lawyer Gobind Singh Deo said they would await the appellate court's ruling on whether politicians holding public office as well as public entities could sue for defamation.

"We will wait for that ruling whether a person holding public office has right to freedom of expression," he told reporters today emerging from the chambers of Judge Vazeer Alam Mydin Meera .

Pua is relying on the British case of the Times Newspaper v Derbyshire County Council which had held that those holding public office and local authorities cannot file suits on public interest issues.

Pua's application was scheduled for a hearing today. Vazeer fixed the matter for case management on December 1.

In the appeals court case, PKR publication Suara Keadilan had filed an appeal against the Federal Land Development Authority (Felda) and its subsidiary, Felda Global Ventures Holdings Sdn Bhd after the opposition party mouthpiece was found liable for defamation.

High Court judge Datuk Wira Kamaludin Md Said, in his ruling last month, said Felda, as a statutory body, had the right to initiate legal proceedings.

Today one of Najib's lawyers, Datuk Firoz Hussein Ahmad Jamaluddin, also said it was better to obtain the legal opinion of the Court of Appeal before pursuing Pua's application for a striking out.

Pua filed the application on May 8, on the grounds that Najib, who is prime minister, did not have the locus standi to file the action allegedly intended to inconvenience him and to be an abuse of the court process.

Najib filed the suit in his personal capacity on March 5, naming Pua, 42, and news portal Mediarakyat.net owner Chan Chee Kong, 51, as the first and second defendants, respectively.

In his statement of claim, Najib alleged that on November 13 last year, Pua as the main speaker at a DAP fund-raising dinner had spoken about and implicated him in 1MDB's controversies.

Najib alleged that derogatory remarks about 1MDB alluding to "an individual known as the prime minister" in Pua's speech must surely have referred specifically to him.

He said Pua's speech was recorded and uploaded by the second defendant or his agent on Mediarakyat's YouTube and website.

He said the recording was shared by the first defendant or his agents in Mediarakyat's Facebook.

He added that as of March 2, the recording had been viewed 194,979 times on YouTube, while 200,709 Facebook users followed it on Pua's Facebook page and 165,293 others on the Mediarakyat Facebook page.

The prime minister alleged that the defendant's remarks had meant that he had robbed the people of their money through 1MDB and portrayed him as a person who could not be trusted and unfit to hold public position.

Najib, who is also Umno president, alleged that the remarks had brought him into public scandal, odium and the contempt of friends and people who knew him, and the local and international community.

He also claimed that his relations between the local and international community had become strained because of the defendants' action.

He alleged that his reputation had been destroyed, as the recording would continue to be accessed widely and easily worldwide through blogs, online forums and websites.

Najib is seeking among others, general and exemplary damages, costs and an injunction to restrain the defendants or their agents from further circulating the contents of the alleged recording. – November 2, 2015.

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