

Trial likely for Najib, Rosmah to obtain judgment in defamation suit, say lawyers
Malaysian Insider
Oct 26, 2015
By V. Anbalagan

Prime Minister Datuk Seri Najib Razak and his wife Datin Seri Rosmah Mansor are unlikely to obtain judgment without having to go through a trial in their defamation suit against Taiping MP Nga Kor Ming, lawyers said.

They said there were many legal and factual disputes that needed to be presented before the trial judge before judgment was obtained.

The lawyers said witnesses from both sides needed to be examined, cross-examined and re-examined.

Lawyer S.N. Nair said in a defamation suit it was highly unlikely for the plaintiff to obtain judgment without trial because there would be issues which had to be heard before the court.

"To suggest that the prime minister and his wife could get judgment in their favour without calling for witnesses to take the stand is a non-starter," Nair said.

He was commenting on the application by Najib and Rosmah that their libel suit against Nga be decided on legal issues and without the need for a trial.

Judicial commissioner Siti Khadijah S. Hassan Badjenid will hear the application on March 14.

On the same day, the court will hear Nga's application to strike out the couple's suit.

Nair said in a defamation suit, it was the plaintiff who would be on trial.

"Najib and Rosmah will be subject to strenuous cross-examination and details of their evidence will be made known to the public," he said.

On June 11, Najib and Rosmah filed the lawsuit against Nga, alleging that the defendant had on March 29 uploaded a photograph of them with some ministers and Wisma Putra senior officials on his Facebook account, reportedly accompanied by disparaging remarks.

The plaintiffs said Nga's postings could be accessed freely by Internet users worldwide and had slandered them.

Najib added that Nga's remarks meant, among others, that he had abused his power and mandate as the prime minister for his own or his wife's interest.

Meanwhile, Rosmah said the defendant's remarks implied that she was a selfish person for having allegedly influenced her husband as the prime minister to misuse his power, and for allegedly meddling in the country's administrative system.

They are demanding compensation for general damages, exemplary damages and aggravated damages, interests, costs and other relief deemed fit by the court.

Meanwhile, lawyer T. Gunaseelan said Najib and Rosmah were asking for a summary judgment which was possible in other cause of action but not defamation.

"Such judgment is given when the defendant files a defence which is almost an admission or fails to disclose any defence to the suit," he said.

However, he said it was possible to file an application to strike out Nga's defence under Order 18 Rule 19 of the Rules of Court 2012 if it was scandalous or did not disclose any defence. – October 26, 2015.

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