

**Court Allows Najib, Rosmah's Appeal to Strike out Rafizi's Fair Comment Defence**  
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PUTRAJAYA, Nov 29 (Bernama) -- Prime Minister Datuk Seri Najib Tun Razak and his wife Datin Seri Rosmah Mansor succeeded in their appeals today to strike out a defence of fair comment by PKR vice-president Mohd Rafizi Ramli and an online news portal owner in their defamation lawsuit over oil subsidy.

A three-man bench chaired by Justice Datuk Rohana Yusof unanimously allowed the appeals by Najib and Rosmah after the court agreed with the issues raised by their counsel during submissions yesterday.

The court set today to deliver its decision after hearing submissions yesterday.

The other two judges on the panel were Tan Sri Idrus Harun and Datuk Mary Lim Thiam Suan.

Najib and Rosmah sued Mohd Rafizi, who is also Pandan member of Parliament, over his statement allegedly disparaging them at a forum on oil subsidy in Bandar Tun Razak on Nov 22, 2014.

They alleged that Mohd Rafizi's speech was recorded by Media Rakyat and uploaded by Chan or his assistant on Media Rakyat's YouTube and portal.

Najib and Rosmah further alleged that Chan had also shared the recording in Media Rakyat's Facebook account which could be freely accessed by Internet users worldwide.

The couple is seeking general, aggravated and exemplary damages deemed fit by the court, interest and costs.

Najib and his wife sought to strike out the fair comment defence on grounds that the disputed words were "statement of facts and not statement of comments".

After the decision, counsel Razlan Hadri Zulkifli who represented Mohd Rafizi and Chan said he would seek instructions from his clients on whether to bring the matter up to the Federal Court.

He said following today's court of appeal's decision, his clients were not allowed to raise the defence of fair comment during the trial.

However, their defence of qualified privilege and other defences are still intact, according to him.

Meanwhile, lawyer Wan Azmir Wan Majid who represented Najib and Rosmah, told reporters that the matter had been fixed for case management on Dec 8.

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