

Court Dismisses Mukhriz's Appeal To Initiate Contempt Proceedings Against PM

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By MT Webmaster

(Bernama) – Former Kedah Mentri Besar Datuk Seri Mukhriz Mahathir lost his appeal Tuesday over his ex-parte bid for leave to initiate contempt proceedings against Prime Minister Datuk Seri Najib Tun Razak.

A three-man bench of the Court of Appeal chaired by Justice Datuk Tengku Maimun Tuan Mat said the court agreed with the High Court judge that Mukhriz had not made a prima facie case of contempt against Najib.

She said the court also found that there was no error made by High Court judge Datuk Ahmad Zaidi Ibrahim in deciding that the ex-parte matter should be heard as an “opposed ex-parte” basis.

In legal proceedings, an ex-parte application is heard by the court only in the presence of one party. If the opposing respondent was notified, the hearing of the case may then proceed on an opposed ex-parte basis, in that the court would hear submissions from both parties.

“Whilst Order 52 Rule 3 (2) of the Rules of Court 2012 stipulates that an application for leave must be made ex-parte, the court retains its discretion to hear the matter as an opposed ex-parte,” said Tengku Maimun, who presided with Datuk Abdul Rahman Sebli and Datuk Hasnah Mohammed Hashim.

She said the High Court judge could not be faulted for directing that the matter be heard on opposed ex-parte basis.

Tengku Maimun ordered Mukhriz to pay RM10,000 costs.

On July 27, last year, the Kuala Lumpur High Court dismissed Mukhriz’s ex-parte application for leave to initiate contempt proceedings against Najib.

Mukhriz, who is Parti Pribumi Bersatu Malaysia (PPBM) deputy president and Ayer Hitam assemblyman, filed the application alleging that the prime minister had issued a statement through his blog relating to a defamation lawsuit which Mukhriz had filed against Najib's political secretary Datuk Seri Tengku Sarifuddin Tengku Ahmad.

Earlier in the proceedings, Mukhriz's lawyer, Mohamed Haniff Khatri Abdulla, said the High Court should not have directed them to serve the cause papers on Najib's lawyer and to allow his lawyer to submit in the hearing of the ex-parte application.

He said an application for leave to initiate contempt must be made on an ex-parte basis.

Najib's lawyer, Datuk Wira Mohd Hafarizam Harun, submitted that the High Court was correct to find that there was no prima facie case for contempt, thus leave to initiate contempt proceeding should not be granted to Mukhriz.

Outside the court, Mohamed Haniff told reporters that he would notify his client about the court's decision and most likely would file the application for leave to appeal to the Federal Court.

Meanwhile, Mohd Hafarizam said following the court's decision, it was clear that the statement made by Najib on July 7, last year did not have any relation at all to the suit that was being litigated between Mukhriz and Tengku Sarifuddin.

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