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## UMNO Selangor Withdraws Striking Out Application

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Our Dispute Resolution partner, Syafinaz Vani recently represented SRC International Sdn Bhd (SRC) and its subsidiaries against Badan Perhubungan UMNO Negeri Selangor (the Defendant) in respect of a RM 3.5 million claim filed by SRC and its subsidiaries (the Plaintiffs) against the Defendant. Syafinaz was assisted by associate, Clarence Hng Ying Hui.

On 7.5.2021, the Plaintiffs initiated an action against the Defendant to recover the sum of RM 3.5 million which was wrongfully received by the Defendant from one of SRC's subsidiaries.

On 1.9.2021, the Defendant filed an application to strike out the Writ and Statement of Claim pursuant to Order 18 rule 19(1)(a) of the Rules of Court 2012 (Striking Out Application), premised on the following grounds:

- Badan Perhubungan UMNO Negeri Selangor is not an entity who can sue and be sued.
- Badan Perhubungan UMNO Negeri Selangor is not registered as a society or branch to a society under Societies Act 1966.

Under Order 18 rule 19(1)(a) of the Rules of Court 2012, no evidence can be adduced or admitted. The Defendant in the Bundle of Authorities adduced evidence to establish that the actual registered branch is Badan Perhubungan Negeri Selangor and not Badan Perhubungan UMNO Negeri Selangor by adducing a "Sijil Kebenaran Penubuhan Cawangan" and the List of Office Bearers of Badan Perhubungan Negeri Selangor.

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## About Us

We are a full-service commercial law firm with a head office in Kuala Lumpur and a branch office in Penang. Our key areas of practice are as follows:-

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- Real Estate Transactions
- Shipping & Maritime
- Tax, SST & Customs
- Tax Incentives
- Trade Facilitation

The Plaintiffs raised an objection in its submissions as to the manner the evidence was adduced by the Defendant. The Plaintiffs also submitted that the Defendant's name which the Plaintiffs stated in this suit was obtained from UMNO's website itself. UMNO's website itself shows the entity as Badan Perhubungan UMNO Negeri Selangor with Tan Sri Noh Omar as the Chairman and not the purported registered name i.e., Badan Perhubungan Negeri Selangor. Hence, when the Defendant clarified that the actual branch is Badan Perhubungan Negeri Selangor, the Plaintiffs filed an application to amend the name of the Defendant to reflect the same (Amendment Application).

Both the Defendant's Striking Out Application and the Plaintiffs' Amendment Application came up before the High Court on 11.11.2021. The Defendant conceded to the Plaintiffs' Amendment Application and withdrew the Defendant's Striking Out Application. Accordingly, the High Court allowed the Plaintiffs' Amendment Application and struck out the Defendant's Striking Out Application with no order as to costs.

This decision enables the Plaintiffs to fully ventilate the claim against the Defendant and prove the elements of the claim at full trial to recover RM 3.5 million which the Plaintiffs claim had unlawfully been channeled to the Defendant.

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