

# Legal Updates

## Legislation

The following Acts came into force on 1 January 2012:

1. Judges' Remuneration (Amendment) (No 2) Act 2011 [*Act A1412*]

[www.federalgazette.agc.gov.my/outputaktap/20111231\\_A1412\\_BI\\_JW001644%20%28Act%20A1412%29.pdf](http://www.federalgazette.agc.gov.my/outputaktap/20111231_A1412_BI_JW001644%20%28Act%20A1412%29.pdf)

2. Pensions Adjustment (Amendment) Act 2011 [*Act A1411*]

[www.federalgazette.agc.gov.my/outputaktap/20111231\\_A1411\\_BI\\_JW001644%20%28Act%20A1411%29.pdf](http://www.federalgazette.agc.gov.my/outputaktap/20111231_A1411_BI_JW001644%20%28Act%20A1411%29.pdf)

3. Statutory and Local Authorities Pensions (Amendment) Act 2011 [*Act A1410*]

[www.federalgazette.agc.gov.my/outputaktap/20111231\\_A1410\\_BI\\_JW001644%20%28Act%20A1410%29.pdf](http://www.federalgazette.agc.gov.my/outputaktap/20111231_A1410_BI_JW001644%20%28Act%20A1410%29.pdf)

4. Pensions (Amendment) Act 2011 [*Act A1409*]

[www.federalgazette.agc.gov.my/outputaktap/20111231\\_1409\\_BI\\_JW001644%20%20%28Act%201409%29.pdf](http://www.federalgazette.agc.gov.my/outputaktap/20111231_1409_BI_JW001644%20%20%28Act%201409%29.pdf)

## Cases

### **Administrative Law**

#### ***Armed Forces Council, Malaysia & Anor v Major Fadzil bin Arshad [2012] 1 MLJ 313 (CA)***

- Court has no jurisdiction to inquire into circumstances under which officer of armed forces ceased to hold office

The judgment may also be viewed here:

[www.kehakiman.gov.my/directory/judgment/file/W-01-519-10.pdf](http://www.kehakiman.gov.my/directory/judgment/file/W-01-519-10.pdf)

For the dissenting judgment of Mohd Hishamudin Yunus JCA, see

<http://portal.kehakiman.gov.my/directory/judgment/file/W-01-519-2010.pdf>

For the High Court decision, see [2011] 4 CLJ 930 (BM)

### **Banking**

#### ***Tahan Steel Corporation Sdn Bhd v Bank Islam Malaysia Berhad Civil Appeal No W-02(IM)-1734-2010 (CA)***

- Correct amount bank is entitled to counterclaim in view of its repudiation of *Al-Istisnaa'* Purchase Agreement

The judgment may also be viewed here:

[www.kehakiman.gov.my/directory/judgment/file/W-02%28IM%29-1734-2010.pdf](http://www.kehakiman.gov.my/directory/judgment/file/W-02%28IM%29-1734-2010.pdf)

For the partially dissenting judgment of Mohd Hishamudin Yunus JCA, see

[www.kehakiman.gov.my/directory/judgment/file/W-02%28IM%29-1734-2010\\_DatoHishamudin.pdf](http://www.kehakiman.gov.my/directory/judgment/file/W-02%28IM%29-1734-2010_DatoHishamudin.pdf)

For the High Court decision, see [2011] 1 CLJ 755; [2004] 6 MLJ 1

## **Land**

### ***Wayrex Sdn Bhd & Anor v Lee Ewe Bee & Ors [2012] 1 MLJ 358; [2011] 1 LNS\* 773 (CA)***

- Beneficiaries of estate deemed to have forfeited and/or waived legal and/or equitable rights, if any, to the land

The judgment may also be viewed here:

<http://portal.kehakiman.gov.my/directory/judgment/file/P-02%28IM%29-969-2010.pdf>

### ***Superintendent of Lands and Surveys Department Bintulu Division & Anor v Aji anak Bungkong & Ors [2012] 1 AMR 577; [2012] 1 MLJ 335 (CA)***

- Natives must establish area in disputed land is the same land or substantially part of the same land set out in map

The judgment may also be viewed here:

<http://portal.kehakiman.gov.my/directory/judgment/file/Q-01-104-10.pdf>

For the High Court judgment, see [2010] 4 MLJ 204; [2010] 1 LNS 114

## **Sale of Goods**

### ***Puncak Niaga (M) Sdn Bhd v NZ Wheels Sdn Bhd [2012] 1 AMR 1; [2012] 1 MLJ 27; [2011] 9 CLJ 833 (CA)***

- Luxury vehicle not of an 'acceptable quality' within provisions of Consumer Protection Act 1999, purchaser entitled to reject

The judgment may also be viewed here:

<http://portal.kehakiman.gov.my/directory/judgment/file/W-02%28IM%29-2348-2009.pdf>

## **Winding-up**

### ***American International Assurance Bhd v Coordinated Services L Design Sdn Bhd [2012] 1 MLJ 369; [2011] 1 LNS 1083 (CA)***

- High Court had no power to validate all agreements company entered into from date of winding-up order until date of stay order

The judgment may also be viewed here:

[http://portal.kehakiman.gov.my/directory/judgment/file/W-02-%28IM%29%28NCC%29-766\\_TAHUN\\_2010.pdf](http://portal.kehakiman.gov.my/directory/judgment/file/W-02-%28IM%29%28NCC%29-766_TAHUN_2010.pdf)

\* Legal Network Series — Cases available on the Current Law Journal website but which have not been published in *CLJ*

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