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Deferred Indefeasibility of Title

Leow Law Toong (suing in the capacity as the trustee of Chin Koong Tze Sze Temple) v Tai San Enterprises Sdn Bhd & Ors
(High Court Civil Suit No WA-21NCVC-42-04/2017)

| by Aric Wong Fong Chin |

The sole surviving trustee of the Chin Koong Tze Sze Temple claimed that land belonging to the temple had been transferred by forgery of the signatures belonging to him and his four other fellow trustees, who were already deceased when the transfer took place in 2008. Subsequent to the first transfer, the land was transferred twice before the third transferee created a charge in favour of the Bank.

The trustee commenced proceedings seeking to, among others, set aside the charge created in favour of the Bank.

The Bank applied to have the trustee's claim determined summarily: Whether, on the assumption that the facts alleged by the trustee were true, the Bank's registered interest in the property was still indefeasible.

The High Court, in dismissing the trustee's claim, held that even assuming the claim of forgery to be true, the Bank being the fourth party that came into possession of the land in good faith and for valuable consideration was protected by deferred indefeasibility under s 340(3) of the National Land Code 1965.

The Bank was represented by partner Sean Yeow Huang-Meng and senior associate Aric Wong Fong Chin of [Lee Hishammuddin Allen & Gledhill](#).

Aric Wong Fong Chin (wfc@lh-ag.com)

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