

Sun Kee & Co.

Appellants

v.

Chop Sin Hua Hin and Another

Respondents

FROM

THE FEDERAL COURT OF MALAYSIA

ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL, DELIVERED THE 31ST OCTOBER 1984

Present at the Hearing:

LORD DIPLOCK
LORD EDMUND-DAVIES
LORD BRIDGE OF HARWICH
LORD BRIGHTMAN
LORD TEMPLEMAN

[Delivered by Lord Diplock]

This appeal concerns a sale of immovable property in the district of Kuala Lumpur pursuant to an order for sale made under order 43 of the Rules of the Supreme Court to satisfy a judgment debt owed by the appellant to the first respondent. The only question in the appeal is whether the sale is liable to be set aside under rule 11 (e) of that order on the ground of a material irregularity in publishing or conducting it.

The High Court judge, even although the hearing before him was mistakenly conducted on the assumption that section 257 of the National Land Code applied to the sale instead of sections 334 to 339, was of the opinion that there was no material irregularity. The Federal Court, before whom the appeal was conducted on the correct legal basis, were unanimously of the same opinion.

Their Lordships adopt the reasoning of the Federal Court, which carries such conviction that there is no need to repeat it.

Their Lordships will advise His Majesty the Yang di-Pertuan Agong that this appeal ought to be dismissed and that the appellant ought to pay the first respondent's costs.