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**CIVIL PROCEDURE AND JUSTICE : A SURVEY
OF PROCEDURAL MISCARRIAGE OF JUSTICE**

BY

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**INTERNATIONAL ISLAMIC UNIVERSITY
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OF PROCEDURAL MISCARRIAGE OF JUSTICE**

BY

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ABSTRACT

Jurists have since time immemorial vigorously advocated that the rights to justice should be unfettered. This is also clearly enunciated in the Holy *Qur'an*. Secular constitution such as our Federal Constitution read in its entirety also gives public an unfettered right to seek justice in the Courts of Law. This study will show that the rights of the public to justice in the courts of law have been steadily eroded over the years with the wrongful application and interpretation of rules of procedure, which circumvent and obstruct a litigant's right to justice. Further, the study will show the courts, in depriving the public access to justice by wrongful application of procedural laws, are acting in breach of natural justice and/or Quranic injunctions. This study will also define what are procedural law, its role, how it should be applied, the effect of non-compliance, and the role of the court and lawyers in the application of procedural law. The approach taken by the courts in dismissing substantive rights of litigants on the grounds of technicalities is evidenced by the result of a survey conducted for the purpose of this thesis among the legal practitioners of the Malaysian Bar who by a vast majority acknowledge this fact. This study has covered the various legal norms to highlight that the stand taken by the courts to dismiss matters on mere technicalities is not in line with the principles of justice. Finally, the study proposes ways and means to avert procedural miscarriage of justice, and reduce backlog of cases for just and expeditious access to justice.

ملخص البحث

لقد ذهب العلماء ورجال الفضاء والقانون منذ القدم إلى أن العدالة حق يجب أن يتمتع به كل فرد دون أية قيود حيث دل القرآن الكريم على ذلك بكل وضوح. كما يمنح الدستور القيدرلي بشكل عام الشعب حق مطلق للحصول على العدالة في المحاكم القضائية. توضح هذه الدراسة أن حق الشعب في الحصول على العدالة في المحاكم القضائية بدأ يضمحل شيئاً فشيئاً على مدار السنوات نظراً لسوء تطبيق وتفسير قواعد الإجراءات، الأمر الذي يحول دون حصول المتقاضين على حقهم للعدالة. كما توضح هذه الدراسة أن المحاكم التي تحول دون حصول الشعب على حقه في العدالة نتيجة التطبيق السيء للقوانين الإجرائية في الحقيقة تخرق العدالة الطبيعية أو الأدلة القرآنية. إن عدم منح المحاكم المتقاضين حقوقهم الأساسية لأسباب فنية لحقيقة ثابتة بدراسة ميدانية تم القيام بها لغرض هذا البحث بين المحامين الماليزيين حيث سلم أغليبيتهم بهذه الحقيقة. لقد غطت هذه الدراسة نواحي قانونية مختلفة لإلقاء الضوء على أن الموقف الذي تتخذه المحاكم في رفض القضايا لأسباب فنية بحتة لا يتفق مع مبادئ العدالة. وأخيراً، تقترح هذه الدراسة حلولاً لتفادي الفشل في تحقيق العدالة.

APPROVAL PAGE

The thesis of Hamid Sultan Bin Abu Backer has been approved by the following:

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DECLARATION

I hereby declare that this thesis is the result of my own investigations, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at IIUM or other institution.

Hamid Sultan Bin Abu Backer

Signature

Date

INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA

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**CIVIL PROCEDURE AND JUSTICE : A SURVEY OF PROCEDURAL
MISCARRIAGE OF JUSTICE**

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Date

This thesis is dedicated to my father, the late

JANAB K.M. ABOO BACKER

of Johore Bharu, whose guidance had always been an influence and an inspiration in my life. He always remains as my role model and a chivalrous personality; who untiringly embedded in me home values and strict wisdom.

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- (i) The subject I have chosen is very sensitive and any critical comment on the judiciary may not be accepted with magisterial discernment. In order to avoid any criticism he suggested that I should publish one or more articles in reputable law journals, highlighting procedural miscarriage of justice in the Malaysian Courts, and observe the response from those who are directly or indirectly involved in the practice and administration of justice in Malaysia.
- (ii) He accepted the contents of my proposal and suggested that I should change the caption of my research to Civil Procedure and Justice.
- (iii) He welcomed my request to be my supervisor but cautioned me not to suggest his name as a result of his advanced age.

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TABLE OF CONTENTS

Abstract in English.....	ii
Abstract in Arabic	iii
Approval Page.....	iv
Declaration	v
Declaration Page	vi
Dedication	vii
Acknowledgements.....	viii
List of Cases.....	xv
List of Statutes and Rules of Procedure.....	xxvii
List of Abbreviations	xxix
CHAPTER ONE : BACKGROUND AND PURPOSE OF THESIS.....	1
1.1 Background Of The Research	1
1.2 Objective Of The Thesis	3
1.3 Statement Of Problem.....	4
1.4 Hypothesis.....	5
1.5 Research Methodology	5
1.6 Scope And Limitation Of Research	7
1.7 Outline Of The Chapter.....	8
1.8 Literature Review.....	9
1.9 Miscellaneous Issues On Procedural Law.....	12
Terminologies	12
(a) Procedural Law.....	12
(b) Justice	13
(c) Principles of Interpretation	13
(d) Interpretation of Constitution	15
(e) Interpretation of Procedural Laws	16
When are procedural laws mandatory?	17
Procedural law and the constitutional role of courts	17
Adversarial and inquisitorial system	18

CHAPTER TWO	:	RELAT
	IONSHIP BETWEEN PROCEDURAL LAW	
		AND
	JUSTICE	20
2.1	Introduction	20
2.2	Procedure And Non Compliance Of Its Rules	22
	(a) General Principles	22
	(b) Order 2 of the RHC 1980	24
	(c) Procedural Rules And Legal Jurisprudence	31
	(d) Procedural Law and Time	33
	(e) Waiver	34
	(f) Setting Aside Default Judgment	35
	(g) Procedural Law and Directives	36
2.3	Procedural Law And Natural Justice	37
	(a) General Principle	37
	(b) Principles of Natural Justice	39
	(c) Natural Justice and Procedural law	44
	(d) Legitimate Expectation	46
	(e) Exceptions to rules of natural justice	51
	(i) Delay	51
	(ii) Waiver	51
	(iii) Notice	52
	(iv) Ex-Parte Orders	54
2.4	Procedural Law Judges, Justice And Judicial Propriety	57
	(a) Judges and Justice	57
	(b) Judicial Propriety	60
	(c) A New Chapter In Our Legal History	60
2.5	Procedural Law And Human Rights	63
2.6	Conclusion	66
CHAPTER THREE : THE DEVELOPMENT OF PROCEDURAL LAW IN		
	ENGLAND AND MALAYSIA	68
3.1	Introduction	68
3.2	Procedural Law In England	70
	(a) Civil Procedure Rules, 1998 (CPR 1998)	71
	(b) Overriding Objective	74

(c)	Case Management	76
(d)	Equal Footing	77
(e)	Justly	78
(f)	Court's Resources.....	79
(g)	Encouraging Parties	80
(h)	Pre-action Protocol	80
(i)	Statement of Case	81
(j)	Track Allocation.....	81
(k)	Practice Directions.....	82
(l)	Miscellaneous	82
3.3	Procedure Law In Malaysia	84
(a)	Development of Procedural Law	87
3.4	High Court And Subordinate Court Amendment Rules 2000	88
(a)	Case Management	88
(b)	Contempt	93
(c)	Writ.....	96
(d)	Originating and other Motions	97
(e)	Service	97
(f)	Summary Judgment	98
(g)	Discovery and Inspection	98
(h)	Originating Summons Procedure	99
(i)	Interlocutory Injunction.....	99
(j)	Specific Performance.....	100
(k)	Witness Statement	100
(l)	Committal Proceedings in Subordinate Court.....	100
(m)	Developments on Non-compliance	101
3.5	Conclusion	103

CHAPTER FOUR : CASE STUDY AND CRITICAL APPRAISAL OF MISCARRIAGE OF JUSTICE.....	105
4.1 Introduction.....	105
PART I	
4.2 Constitutional Role Of Courts To Hear Merits.....	106
(a) Analysis of Lam Kong and Capital Insurance.....	107
4.3 Analysis Of Megat’s Case.....	120
PART II	
4.4 Case Analysis.....	124
(a) Judicial Precedent.....	124
(i) Principle.....	124
(ii) Case Analysis.....	125
(iii) Observations.....	127
(b) Practice Directions.....	128
(i) Principles.....	128
(ii) Case Analysis.....	130
(iii) Observations.....	133
(c) Court Forms.....	136
(i) Principles.....	136
(ii) Case Analysis.....	136
(iii) Observations.....	139
(d) Delay.....	139
(i) Principles.....	139
(ii) Case Analysis.....	140
(iii) Observations.....	142
(e) Time.....	142
(i) Principles.....	142
(ii) Case Analysis.....	146
(iii) Observations.....	151
(f) Notice To Proceed.....	151
(i) Principles.....	151
(ii) Case Analysis.....	151
(iii) Observations.....	152
(g) Originating Summons.....	152
(i) Principles.....	152

	(ii) Case Analysis.....	153
	(iii) Observations	159
(h)	Writ and New Amendment.....	159
	(i) Principles.....	159
	(ii) Observations	160
(i)	Default Judgment.....	162
	(i) Principles.....	162
	(ii) Case Analysis.....	163
	(iii) Observations	167
(j)	Affidavits	168
	(i) Principles.....	168
	(ii) Case Analysis.....	169
	(iii) Observations	177
(k)	Pleadings.....	178
	(i) Principles.....	178
	(ii) Case Analysis.....	179
	(iii) Observations	183
(l)	Injunctions	184
	(i) Principles.....	184
	(ii) Case Analysis.....	187
	(iii) Observations	188
(m)	Appeals	190
	(i) Introduction.....	190
	(ii) Meaning of Decision.....	191
	(iii) Powers of Registrar	194
	(iv) Extension of Time for Appeals	195
	(v) Appeal to High Court.....	201
	(vi) Appeals from Registrar to Judge.....	204
(n)	Stay of Execution	205
(o)	Adjournment.....	210
(p)	Winding Up Proceedings.....	214
(q)	Observation.....	216
PART III		
4.5	Critical Appraisal Of Miscarriage Of Justice.....	216
	(a) Delay and Access to Justice	222
	(b) Procedural Law and Access to Justice.....	223

(c) Judgments and Access to Justice	224
(d) Costs of Litigation and Access to Justice	226
CHAPTER FIVE : IMPORTANCE OF PROCEDURAL JUSTICE	
FROM ISLAMIC PERSPECTIVE	228
5.1 Introduction	228
(a) Brief History of Shariah Law	230
(b) Sources of Shariah Law	233
(i) The Holy Qur'an	233
(ii) Sunnah and Hadiths	234
(iii) Ijma'	236
(iv) Qias	237
5.2 Concept Of Justice And Shariah	239
5.3 Shariah Law And Malaysia	243
5.4 Judge, Justice And Equity	247
(a) Judge	248
(b) Justice and Equity	250
(c) Shariah Law and Legal Profession	252
5.5 Administration Of Justice In Islam	253
(a) Quranic Verses	255
5.6 Adjective Law And Non-Compliance	256
(a) Qadi Courts and Procedure	257
(b) Concept of Estoppel and Res Judicata	259
(c) Natural Justice and Quranic Law	260
(d) Non-compliance	261
5.7 Conclusion	262
CHAPTER SIX : SUGGESTIONS AND CONCLUSION	264
6.1 Administration Of Justice	264
(a) Shortage of Judges	271
(b) Provision to Arrest Judicial Vagaries	273
(c) Bench and Bar	273
(d) Conversant in Shariah Jurisprudence	275
6.2 Procedural Amendments	276
(a) Substituted Service	276
(b) Written Submission before Registrar's	276

(c) Written Submission before Judges	277
(d) Submission Diskette to be Submitted to the Court.....	277
(e) Foreclosure proceedings	278
(f) Winding up Proceedings.....	278
(g) Ex-Parte Orders	279
(h) Summary Judgment and applications.....	280
(i) Negligence of Solicitors	281
(j) Constitutional Guarantee and Reversionary Powers	283
(k) Written Judgment	284
(l) Special Knowledge of Laws	284
(m) Extension of Time	285
(n) Renewal of Writ	286
(o) Stay of Execution and Miscarriage of Justice	286
(p) Committal Proceedings	287
(q) Winding up Proceedings.....	288
(r) Costs	289
6.3 Conclusions.....	290
(a) Result of Study	290
(b) Conclusion.....	291

BIBLIOGRAPHY	294
--------------------	-----

APPENDIX 1 : RESULT OF SURVEY

LIST OF CASES

Abbot v. Sullivan (1952) 1 KB 189
Abdul Majid v. Haji Abdul Razak [1971] 2 MLJ 228
Abdul Rahman v. Collector & Deputy Commission PLD 1964 SC 461
Adoko v. Jemal (1999) The Times, 8 July 1999
AG of Hong Kong v. Ng Yuen Shiu [1983] 2 A11 ER 346
Ahmad Tajuddin Bin Haji Ishak v. Suruhanjaya Pelabuhan Pulau Pinang CA [1997] 1 MLJ 241
Airmartech Corp. (M) Sdn. Bhd. v. Equaltra (M) Sdn. Bhd. [2001] 2 MLJ 1
Allen v. Sir Alfred McAlpine & Sons Ltd. (1968) 2 QB 229
Alloy Automotive Sdn Bhd v. Perusahaan Ironfied Sdn. Bhd. [1986] 1 MLJ 382
Alor Janggus Soon Seng Trading Sdn Bhd & 5 Ors. v. Sey Hoe Sdn. Bhd. [2000] 1MLJ 335
Amanah Merchant Bank Bhd. v. Lim Tow Choon [1994] 1 MLJ 413
Ambard v. Attorney General of Trinidad [1936] MLJ 117
Anderton v. Ryan [1985] 2 All ER 355 (HL)
Ang Siok Hong v. Tan Geok Kwi [1999] 1 AMR 565
Anismic Ltd. v. Foreign Compensation Commission (1969) 2 AC 147
Anlaby v. Praetorius (1888) 20 Ch. D 764
Anlaby v. Praetorius 20 QB 764
Anuar Bin Mat Amin v. Abdullah Bin Mohd Zain [1989] 3 MLJ 313
Anwar Bin Ibrahim v. Abdul Khalid @ Khalid Jafri Bin Bakar & Anor. [2001] 5 MLJ 48
Apac owena Ltd. v. Norpol Packaging Ltd. (1991) 4 All ER 516
Arab Malaysian Finance Berhad v. Serajudin Bin Mohd Ismail & Anor. [1999] 1 AMR 118
Arab Malaysian Merchant Bank Berhad v. Orient Apanel Bhd [1999] 2 CLJ 647
Arab-Malaysian Credit Berhad v. Tan Seong Meng [1995] 1 AMR 74
Armitage v. Parsons (1908) 2 KB 410
Asia Commercial Finance (M) Bhd. v. Pasadena Properties Development Sdn. Bhd. (1991) 1 MLJ iii

AT-Gen. v. Times Newspaper Ltd. (1974) AC 273
 Atkinson v. United States Government (1971) AC 197
 Attorney - General v. Blake (1998) Ch. 439
 Attorney - General v. Chaudry [1971] 1 WLR 1614
 Attorney General, Bahamas v. Ryan (1980) 2 WLR 143
 Atwood v. Chichester (1878) 2 QB 722
 Auto Dunia Sdn. Bhd. v. Wong Sai Fatt & 3 Ors. [1995] 2 AMR 1943
 Awward v. Geraghty and Co. (2001) QB 57
 Ayer Molek Rubber Co. Bhd. & Ors v. Insas Bhd. Anor. [1995] 2 MLJ 734
 Badiaddin Bin Mohd. Mahidin & Anor. v. Arab Malaysian Finance [1998] 1 MLJ 393
 Ban Hin Lee Bank Berhad v. Long Hua Corporation Sdn. Bhd. & 82 Ors. [2000] 2 AMR 1676
 Bank Bumiputra Malaysia Bhd. v. Majlis Amanah Ra'ayat [1979] 1 MLJ 24
 Bank Bumiputra Malaysia Bhd. v. Syarikat Gunong Tujoh Sdn. Bhd. & Ors. [1990] 1 MLJ 298
 Bank of Commerce (M) Berhad v. Far East United Industries Sdn. Bhd. [2000] 4 AMR 4694
 Barnes v. Kondel (1971) 1 Lloyds Rep. 544
 Bates v. Lord Hailsham of St Marylebone (1972) 1 WLR 1373
 Battersby v. Anglo American Oil Co. Ltd. (1945) KB 23 CA
 Bernstein v. Jackson (1982) 1 WLR 1082.
 Birajmohan Dasgupta v. State of Orissa AIR 1967 SC 158
 Birkett v. James (1977) 2 All ER 801
 Birkett v. James (1977) 3 WLR 38
 Blay v. Pollard & Morris (1930) 1 KB 628
 Boocock v. Hilton International Co (1993) 4 All ER 19
 Boocock v. Hilton International Co. (1993) WLR 1065
 BSN Commercial Bank (M) Bhd. v. KDG Holdings (M) Sdn. Bhd. & Ors. [1999] 1 MLJ 567
 Buga Singh v. Koh Bon Keo [1967] 1 MLJ 16
 Burmah Oil v. Lord Advocate (1965) AC 75
 Cadogan Properties Ltd. v. Mount Eden Land Ltd. (1999) LTL 29/6/99
 Cala Homes (South) Ltd. v. Chichester District Council (1999) The Times 15 October 1999

Camera Care Ltd. v. Victor Hasselblad Aktiebolag (1986) 1 FLTR 348
 Capital Insurance Berhad v. Aisah Binti Abdul Manap & Anor. [2000] 4 MLJ 65
 Carmel Exporters v. Sea-Land Inc (1981) 1 WLR 1068
 Chandra Mohan v. State of U.P AIR 1966 SC 1987
 Charanjit Lal v. Union of India AIR 1951 SC 41
 Charles Edward Marlissa v. Timber Master (M) Sdn. Bhd. [1997] 3 MLJ 199
 Chellapa a/l Kalimuthu v. Sime UEP Properties Bhd & Ors. [2002] 2 MLJ 209
 Cheow Chew Khoon @ Teoh Chew Khoon v. Abdul Johari Bin Abdul Rahman
 [1995] 1 AMR 761
 Cheow Chew Khoon v. Abdul Johari Bin Abdul Rahman [1995] 1 MLJ 457
 Chia Yai Teck & Anor v. Ng Swee Keat & Anor. [2001] 4 CLJ 61
 Chilton v. Surrey County Council (1999) LTL 24/6/99
 China Insurance Co Ltd v. Yeong Ah Lan & Anor. [1973] 2 MLJ 185
 Citibank Berhad v. Mohamed Khalid Bin Farzalur Rahman & 2 Ors. [2000] 3 AMR
 3475
 Cold Storage Singapore Pte. Ltd. v. Management Corp. of Chancery Court
 [1992] 1 SLR 521
 Collector, Land Acquisition, Anantnag v. Katij AIR (1987) SC 1353
 Costellow v. Sommerset County Council (1993) 1 All ER 952
 Cosway (M) Sdn. Bhd. & Anor v. Gan Poh IM [2000] 4 MLJ 517
 Council of Civil Service Unions v. Minister for the Civil Service [1985] AC 374
 Crocuses v. Commercial Bank Bhd. [1997] 3 AMR 2321
 Cropper v. Smith (1884) 26 Ch. D 700
 Cumbes v. Robinson (1951) 2 KB 83
 D.K. Yadav v J.M.A. Industries Ltd. (1993) 3 SCC 259
 Damayanti Kantilal Doshi & Ors. v. Jigarlal Kantilal Doshi & Ors. [2001] 6 MLJ 417
 Danaharta Urus Sdn. Bhd. v. Kekatong Sdn. Bhd. [2004] 2 AMR 317
 Darnley (Earl of) v. Proprietors of London, Chatham and Dover Rly (1867) LR 2 HL
 43.
 Dato Seri Anwar Ibrahim v. PP [1999] 1 AMR 384
 Dato' Seri Anwar Ibrahim v. Pendakwa Raya [2000] 2 AMR 1938
 Dato' Seri Anwar Ibrahim v. PP [1999] 1 AMR 846
 Dato' Seri s Samy Vellu v. Penerbitan Sahabat (M) Sdn. Bhd. & Anor. [2006] 1 AMR
 189
 Deighton v. Cockle [1912] 1 KB 206

Delcont (M) Sdn. Bhd. v. Motor Sport International [1996] 1 AMR 434
Dickson Trading (S) Pte. Ltd. v. Transmarco Ltd. (1984) 2 MLJ 408
Dimes v. Grand Junction Canal (1852) 3 HLC 759
Doyle v. Olby (Ironmongers) Ltd. & Ors (1969) 2 QB 158
Dr Woo Kin Chong v. Mary Ou Holdings Sdn. Bhd. [1998] 2 MLJ 167
Dr. Rash Lal Yadav v. State of Bihar 1994 5 SCC 267
Dubai Bank Ltd. v. Galadari (No. 4) Times, 23 February 1990
Duke of Norfolk (1949) 1 All ER 109
Dyncast (s) Pte. Ltd. v. Lim Meng Siang & Ors. [1989] 3 MLJ 457
Easy v. Universal Anchorage Ltd. (1974) 1 WLR 899 CA
Eckersley v. Mersey Docks & Harbour Board (1894) 2 QB 667
Elite Jewelers Sdn. Bhd. v. Wong Kin Tai [1998] 3 CLJ 115
Elite Jewellers Sdn. Bhd. v. Wong Tin Kai [1998] 4 AMR 3672
Elite Jewellers Sdn. Bhd. v. Wong Tin Kai [1998] 6 MLJ 511
Emperor v. Brij Lal AIR 1942 Lah. 232
English & Scottish Mercantile Investment Co. v. Brunton (1892) 2 QB 700 (CA)
Evans v. Bartlam (1937) AC 473
ex. p. Mughal (1974) QB
Famous Ltd v. Ge Im Ex Italia SRL Times 3 August 1987
Faridah Ariffin v. Dr. Lee Hock Bee & Anor [2006] 1 AMR 377
Farrell v Secretary of State for Defence (1980) 1 WLR 172
Feroze Khan, TM & 3 Ors. v. Meera Hussain Bin TM Mohamed Mydin [1997] 4 AMR 3953
Foo Yong Fong & Anor. v. R [1962] MLJ 156
Food Corporation of India v. Kamadhenu Cattle Food Industries AIR 1993 SC 1601
Frome United Breweries Co. v. Bath Justices (1926) AC
Fung Yuk Lien v. Foong Chee Sam (as administrator of the estate of Kong Muk Tei deceased) [2000] 3 MLJ 543
Fung Yuk Lien v. Foong Chee Sam (as administrator of the estate of Kong Muk Tei deceased) [2000] 6 CLJ 411
Gan Hay Chong v. Siow Kian Yuh & Anor. [1975] 2 MLJ 129,
Gan Kim Kiat & Bros. Realty Sdn. Bhd. v. Leang Ah Kan [1983] 1 MLJ 351
Gan Thing Phing v. Ong Gek Kim (No. 2) [1999] 7 MLJ 351
Ghaziabad Development Authority v. Delhi Auto & General Finance Pvt. Ltd. (1994) 4 SCC 42

Gilbert Engineering Co. Inc. v. Zainuddin Bin Ahmad & 5 Ors. [2003] 3 AMR 555
 Glynn v. Keele University (1971) 1 WLR 487
 Go Pak Hoong Tractor and Building Construction v. Syarikat Pasir Perdana [1982] 1 MLJ 77
 Goh Ching Ang v. PP [1999] 1 MLJ 507
 Golden Mariner (1990) 2 Lloyd's Rep. 215
 Goldsack v. Shore [1950] 1 KB 708
 Government of Malaysia v. Dato Chong Kok Lim [1973] 2 MLJ 74
 Government of Malaysia v. Sim Siok Eng [1978] 2 MLJ 32
 Government of State of Pahang v. Tengku Abdul Aziz & Anor [1978] 2 MLJ 34
 Guinness Anchor Marketing Sdn. Bhd. v. Soh Leong Chet (2003) 1 CLJ 655
 Han Euu Tiam v. Phang Kui Fatt [1999] 4 MLJ 683
 Harkness v. Bell's Asbestos and Engineering Ltd. (1966) 3 All ER 843
 Harkness v. Bells Asbestos and Engineering Ltd. (1967) 2 QB 729
 Harris Mohd Salleh v. The Returning Officer Ismail Majin & Ors. (2001) 3 CLJ 161
 Harris Mohd Salleh v. The Returning Officer Ismail Majin & Ors. [2001] 3 AMR 2683
 Hartecon JV Sdn. Bhd. & Anor v. Hartela Contractors Ltd. [1996] 2 AMR 1457
 Hasil Bumi Perumahan Sdn Bhd & Ors. v. United Malayan Banking Corp. Bhd. [1994] 1 AMR 297
 Hau Euu Tiam v. Phang Kui Fatt & 2 Ors. [2000] 1 AMR 690
 Hau Khee Wee & Anor. v. Chua Kian Tong & Anor. [1987] 2 MLJ
 Heaven v. Road and Rail Wagons Ltd. (1965) 2 QB 335
 Hock Seng Construction Sdn. Bhd. & Anor v. Yeoh Poh Owi & Anor [2001] 4 CLJ 1
 Hoe Joo Sawmills v. Sigma (Air conditioning) Sdn. Bhd. [1979] 2 MLJ
 Hoffman-La Roche & Co. v. Secretary of State for Trade and Industry (1975) AC 295
 Hong Kong Bank Malaysia Berhad v. Tan Tock Sing & 2 Ors. [1998] 3 AMR 2435
 Hong Kong Bank Malaysia Bhd. v. Nor Harizan Binti Mohd. Ali [1999] 2 AMR 2493
 Hong Leong Finance Bhd. v. Hon Hoi Weng & Ors. [1987] 2 MLJ 377
 Hong Kong Bank (M) Bhd. v. Tan Tock Sing & Ors. [1998] 6 MLJ 89
 Hopkins v. Smethwick Board of Health (1890) 24 QBD 712
 Hounslow L.B.C. v. Twickenham Garden Developments (1971) Ch. 233
 Hughes v. Justin (1894) 1 QB 667 CA
 Hunt v. Luck (1901) 1 Ch. 52