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MALAYSIA

IN THE HIGH COURT IN SABAH AND SARAWAK AT KOTA KINABALU

CIVIL SUIT NO. TWU-21-15/3-2007

HENG SIEW CHIANG SDN BHD .. PLAINTIFF

AND

1 DIRECTOR GENERAL FOR THE CONTROL OF PADI AND RICE

2. GOVERNMENT OF MALAYSIA .. DEFENDANTS

BEFORE HIS HONOUR

TUAN AMIR SHAH BIN AMIR HASSAN

THE 23RD DAY OF DECEMBER 2016 **IN CHAMBERS**

FINAL JUDGMENT AFTER ASSESSMENT OF DAMAGES

The Plaintiff having on the 6th August 2012 obtained Judgment from the Court of Appeal against the Defendants for damages to be assessed by the Deputy Registrar of the High Court and assessment having been carried out and the amount found due to the Plaintiff having been certified by His Honour Tuan Amir shah Bin Amir Hassan at:-

(1) the sum of **RM2,450,406.25** as general damages being the value of the subject rice calculated at RM950.00 per metric tonne to which the weightage is at 25 kg per bag on 103,175 bags;

(2) Special damages being commissions at the rate of 30% from the total value of shipments or consignment originated from Can Tho

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Agricultural Products and Foodstuff Export Co, that is, 82480 bags (at the total of RM590,235.00). The global sum of damages allowed is RM3,040,641.25.

(3) Upon deduction of the sum of RM1,511,292.00 paid earlier to the Plaintiff, the Defendant only to pay the Plaintiff the balance in the sum of **RM1,529,349.25**;

(4) Interest are awarded as follows:-

(a) at the rate of 4% per annum on RM3,040,641.25 from the 18th April 2006 to the 7th July 2010;

(b) at the rate of 4% per annum on the balance of RM1,529,349.25 from the 7th July 2010 to 31st July 2012;

(c) at the rate of 5% per annum on the balance of RM1,529,349.25 from 31st July 2012 to 23rd December 2016; and

(d) at the rate of 5% per annum on the balance of RM1,529,349.25 from the 23rd December 2016 to date of full payment.

(5) Costs of **RM40,000.00** for the Plaintiff and Allocatur fee is **RM1,606.00**.

IT IS THIS DAY ADJUDGED AND ORDERED that the Defendants do pay the Plaintiff the following:-

(1) the sum of **RM2,450,406.25** as general damages being the value of the subject rice calculated at RM950.00 per metric tonne to which the weightage is at 25 kg per bag on 103,175 bags;

(2) Special damages being commissions at the rate of 30% from the total value of shipments or consignment originated from Can Tho Agricultural Products and Foodstuff Export Co, that is, 82480 bags (at

the total of RM590,235.00). The global sum of damages allowed is RM3,040,641.25.

(3) Upon deduction of the sum of RM1,511,292.00 paid earlier to the Plaintiff, the Defendant only to pay the Plaintiff the balance in the sum of **RM1,529,349.25**;

(4) Interest on each of the sum of RM3,040,641.25 and RM1,529,349.25 as follows:-

(a) at the rate of 4% per annum on RM3,040,641.25 from the 18th April 2006 to the 7th July 2010;

(b) at the rate of 4% per annum on the balance of RM1,529,349.25 from the 7th July 2010 to 31st July 2012;

(c) at the rate of 5% per annum on the balance of RM1,529,349.25 from 31st July 2012 to 23rd December 2016; and

(d) at the rate of 5% per annum on the balance of RM1,529,349.25 from the 23rd December 2016 to date of full payment.

AND IT IS FURTHER ADJUDGED AND ORDERED that the Defendants do pay the Plaintiffs costs of **RM40,000.00** and Allocatur fee of **RM1,606.00**.

DATED this 23rd day of December 2016.

HIGH COURT TAWAU

HIGH COURT AMIR SHAH BIN AMIR HASSAN DEPUTY REGISTRAR TAWAU

Digitally Signed by AMIR SHAH BIN AMIR HASSAN,
The High Court in Sabah & Sarawak.
Signing Date:17.05.2017 15:55:25 +0800

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DEPUTY / SENIOR ASSISTANT REGISTRAR
HIGH COURT IN SABAH AND SARAWAK
AT TAWAU

This **FINAL JUDGMENT AFTER ASSESSMENT OF DAMAGES** is filed by Messrs Yap Chin & Tiu, Solicitors for the abovenamed Plaintiff whose address for service is at Suite 7-03, Level 7, No. 6, Menara MAA, Lorong Api-Api 1, 88000 Kota Kinabalu, Sabah, Malaysia.

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