

IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

O N A P P E A L

FROM THE FEDERAL COURT OF MALAYSIA HOLDEN AT
KUALA LUMPUR

(APPELLATE JURISDICTION)

B E T W E E N :-

COLLECTOR OF LAND REVENUE Appellant

- and -

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A.K.A.C.T.V. ALAGAPPA
CHETTIAR Respondent

AND B E T W E E N :-

COLLECTOR OF LAND REVENUE Appellant

- and -

ONG THYE ENG (As Trustee) Respondent

AMENDMENT TO PARAGRAPH 45
OF THE CASE FOR THE
RESPONDENTS (Page 19)

20 45: The Respondents respectfully submit that the Appeals should be dismissed with costs and the Cross-Appeals allowed with costs, and that the Appellants be ordered to pay the Respondents costs in both Courts Below, for the following (amongst other)

REASONS

1. BECAUSE the Judgment of the said Federal Court setting aside the award of the High Court and estimating the market value of the land at \$8 per

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square foot was not vitiated by any error of law or principle; accordingly, the Appellant's appeal should not be entertained by the Board;

2. BECAUSE the learned trial Judge disregarded evidence and particularly uncontradicted evidence regarding the circumstances in which the land acquired was previously sold and wrongly used such sale as the basis for assessing the market value of the land.

3. BECAUSE having regard to the nature of the evidence and particularly the expert evidence called on each side, the Federal Court of Malaysia (Appellate Jurisdiction) was entitled to consider the evidence and make its own assessment of the market value of the land at the material time. 10

4. BECAUSE having arrived at its own assessment of market value, the said Federal Court erred in making a deduction of 10% from such value as a precautionary measure in case some factor had been overlooked and that such error was an error of legal principle. 20

5. BECAUSE the market value placed by the High Court on the land was grossly inadequate, and there was no justification for not awarding the Respondents their costs of the appeal to the said Federal Court.

(Sgn) E. F. N. Gratiaen.

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(Sgn) John A. Baker.

JOHN A. BAKER.

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BETWEEN:-

COLLECTOR OF LAND REVENUE
Appellant

- and -

A.K.A.C.T.V. ALAGAPPA CHETTIAR
Respondent

AND BETWEEN:-

COLLECTOR OF LAND REVENUE
Appellant

- and -

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