Sessions Courts Judges,
Registrars of Subordinate Courts,
Sabah and Sarawak

Practice Direction No. 3 of 1987

SESSIONS COURTS IN SABAH AND SARAWAK

Pursuant to the Subordinate Courts (Amendment) Act 1987, the Hon'ble the Chief Justice hereby directs the following changes to take effect from 1st September 1987 -

Objective

1.1 The objective of this Practice Direction is to facilitate the transfer of civil cases from the High Court to the Sessions Court and from the Sessions Court to the Magistrates' Courts as a measure of reducing the back-log of cases in the Courts.

2 This exercise is intended to commence on 1.9.87 and be completed by 31.12.87.

Change of Name

3.1 Presidents of Sessions Courts will hence forth be known as Sessions Court Judges.

Sessions Courts

4.1 With effect from 1.9.87, Sessions Courts shall continued to be held in places where Sessions Courts have been constituted. (see P.U.(B) 185/81).

Civil Jurisdiction

5.1 Subject to the provisions of section 69 of the Subordinate Courts Act, the civil jurisdiction of Sessions Courts has been increased -

(a) To try all actions and suits of a civil nature where the amount in dispute or value of the subject-matter does not exceed $100,000;

(b) To hear and determine any action or suit for the recovery of immovable property where -

(i) the money claimed does not exceed $96,000;

(ii) the rent payable in respect of the premises does not exceed the sum of $96,000 per annum or $8,000 per mensem.

(c) To issue writs or warrants of distress for rent where the amount of rent to be distrained does not exceed $96,000.

(d) To grant relief by way of interpleader and to order the sale of any property subject to interpleader proceedings when the person seeking relief is under liability for any debt, money or other movable property of which the amount or value does not exceed $100,000 and for or inrespect of which he has been or expects to be sued by two or more parties making adverse claims thereto.

2 With effect from 1.9.87, all civil actions or suits within the aforesaid jurisdictions shall be filed and heard in the Sessions Court.

3 All such new cases shall be registered in the Sessions Court new registers.

Transfer of Cases to Magistrates' Courts

.1 On 1.9.87 all civil cases filed in the Sessions Court before 1.9.87, except part-heard cases, shall be deemed to have been transferred to the First Class Magistrates' Court of the same place together with all registers and cause books pertaining thereto.

Transfer of Cases from High Court

.1 With effect from 1.9.87, applications will be made to transfer pending cases in the High Court to the Sessions Court under Practice Direction No. [illegible] of 1987.

.2 On receipt of a case transferred from the High Court, the original High Court Case number shall be retained.

.3 Particulars of such cases shall be entered in a Transferred Cases Register.

Monthly Returns

.1 Separate Monthly Returns shall be prepared in respect of civil cases showing -

(a) New cases registered and their disposal.

(b) Cases transferred from the High Court and their disposal.

(AGNES WONG KIEW LING)
Registrar,
High Court, Kuching.

c.c.

1. Hon 'ble Lord President, Supreme Court Malaysia
2. Hon'ble The Chief Justice Malaya
3. Hon'ble The Chief Justice Borneo
4. Hon'ble Attorney General, Malaysia
5. All Hon'ble Judges of the High Court in Borneo
6. Hon'ble Attorney General, Sabah
7. Hon'ble Attorney General, Sarawak
8. The State Secretary, Sabah
9. The State Secretary, Sarawak
10. The Chief Registrar, Supreme Court, Kuala Lumpur
11. The Registrar, High Court Malaya
12. All Sessions Court Judges, East Malaysia
13. All Magistrates, Magistrates' Court East Malaysia
14. Senior Federal Counsel, Sabah
15. Senior Federal Counsel, Sarawak
16. All Practising Advocates, Sabah and Sarawak
17. Commissioner of Police, Sarawak
18. Commissioner of Police, Sabah
19. Managing Editor of Malayan Law Journal
20. Managing Editor of Current Law Journal