

THOMAS PHILIP

ADVOCATES & SOLICITORS

■
Litigation

■
Arbitration

■
Mediation

Your Ref. : KK/168-636/L/05
Our Ref. : 10.2185

18th March 2013

Messrs Kiru & Yong
Damansara Intan E-Business Park
Entrance No. 6, Suite 1230
Level 12, Block A
No. 1, Jalan SS 20/27
47400 Petaling Jaya, 2
Selangor Darul Ehsan.

By Fax / Courier
[03-7725 5162]

Dear Sirs,

In the High Court of Shah Alam
Civil Suit No. : MT1-21-353-1996

Chellappa a/ K. Kalimuthu
Sime UEP Properties Bhd & 4 Ors

... Plaintiff
... Defendants

We refer to the above matter.

2. Please find enclosed a copy of the sealed Consent Judgment dated 11.03.2014 by way of service on you as the solicitors for the Plaintiff.
3. Kindly acknowledge receipt.

Yours faithfully,


Aliff Benjamin Suhaimi
Senior Associate

Encl...(1)



Managing Partner

MATHEW THOMAS PHILIP
B.Sc., LL.B (Adelaide)

Partners
(In alphabetical order)

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LL.B (Hons.) London, CLP
LL.M (Construction & Arbitration) London
MCIArb (UK), M,MIArb

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LL.B (Hons.) Bristol
Of Lincoln's Inn, Barrister
LL.M (Commercial) Bristol

Mediator

LIM SIEW SYMN
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Of Gray's Inn, Barrister

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(In alphabetical order)

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LL.B (Hons.) UUM
LL.M (Commercial) Cambridge

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TAN JEE TJUN
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Of Lincoln's Inn, Barrister

CRYSTAL NILSSON
LL.B (Hons.) MMU

LIM KEE WAI
LL.B (Hons.) London, CLP

**DALAM MAHKAMAH TINGGI DI SHAH ALAM
DALAM NEGERI SELANGOR DARUL EHSAN
GUAMAN CIVIL NO: MT1-21-353-1996**

ANTARA

CHELLAPPA A/L K.KALIMUTHU
(mendakwa sebagai Pegawai awam
Kuil Sri Maha Mariamman, Hicom
Shah Alam Selangor sejajar dengan
Seksyen 9 @ Akta Pertubuhan 1966)

...PLAINTIF

DAN

1. **SIME UEP PROPERTIES BHD**
2. **PENGARAH PERANCANG BANDAR DAN DESA NEGERI SELANGOR
DARUL EHSAN**
3. **KERAJAAN NEGERI SELANGOR DARUL EHSAN**
4. **ONE CITY DEVELOPMENT SDN BHD**
5. **MERGANATHAN A/L NALLO** **...DEFENDAN-DEFENDAN**

DAN

NAGARAJU A/L MERGANATHAN **... PENCELAH YANG DICADANGKAN**

BEFORE JUDGE

WAN AFRAH BINTI DATO' PADUKA WAN IBRAHIM

11 MARCH 2014

OPEN COURT

CONSENT JUDGMENT

THIS ACTION (hereinafter referred to as 'the 1996 Action') having being tried before the Honourable Justice Wan AfrahBinti Dato' Paduka Wan Ibrahim J., on 21-02-2014 of February 2014 and after hearing S. Malar of counsel for the Plaintiff, Liow

Pei Xia of counsel for the 1st Defendant, Mohamad Mustaffa bin P Kunyalam, Assistant State Legal Advisor for the 2nd and 3rd Defendants, Alliff Benjamin of counsel for the 4th Defendant, and GK Ganesan (with S.Karthigesan, R. Kannan and C.R. Selva) of counsel for Nagaraju a/l Merganathan, the Intervener herein, by the consent of all the parties in the 1996 Action and all the parties in the Shah Alam High Court Civil Suit No. 22-491-2001, **IT IS HEREBY BY CONSENT ORDERED** as follows:-

(1) Nagaraju a/l Merganathan ("**Nagaraju**", the Intervener) be allowed to intervene in this action solely for the purpose of entering into this Consent Judgment and be bound by the terms of the Consent Judgment as set out herein;

(1A). Whereas:

1A.1 there is an existing Hindu temple known as 'Kuil Sri Maha Mariamman, Hicom Shah Alam Selangor' ("**the Existing Temple**");

1A.2 the Existing Temple is situated on part of a land known as Geran 284076 Lot 81278 Mukim Damansara, Daerah Petaling, Negeri Selangor (formerly known as H.S.(D) 104558 PT No. 2925, Mukim Damansara, Daerah Petaling, Negeri Selangor)(**the "Existing Site"**); and is being currently occupied by the said Nagaraju and Mohan and their group of persons;

(1B). The outcome of the trial in the 22-491-2001 Action, and/or the final determination of any appeals arising therefrom ("**2001 Action**") shall determine


that either Nagaraju on the one side, or the Plaintiff in the 2001 Action in the other, (hereinafter, 'the Management Body'), shall have the right thereafter to the continued possession and management of the New Temple on Lands A and/or B as hereinafter set out;

- (2) Nagaraju and all parties who are in possession of/or management of the Existing Temple situated on the Existing Site shall vacate and deliver vacant possession of the Existing Site to the 4th Defendant within two (2) months after the construction of a new temple referred to in paragraph 3 below;
- (3) The 4th Defendant shall deposit a sum of RM1.5 million (the "Temple Fund") with Messrs. Thomas Philip as stakeholders for the benefit of the Existing Temple. The 4th Defendant shall utilize part of the Temple Fund for the construction of a new temple with water and electricity supplied in accordance with the plan and specifications as stated in Annexures A2 to A4 of this Consent Judgment (the "New Temple") on a parcel of land which is set out and demarcated in yellow on a plan annexed hereto as Annexure "A1" to this Consent Judgment (hereinafter known as "Land A");
- (4) The solicitors for the 4th Defendant, Messrs. Thomas Philip shall issue to the respective Solicitors for the Plaintiff and Nagaraju a written notification of the completion of the New Temple and the date when the New Temple is ready for occupation. For avoidance of doubt, the two (2) months period in paragraph 2 above shall commence from the date of the said written notification to be issued by Messrs Thomas Philip to the said respective Solicitors;

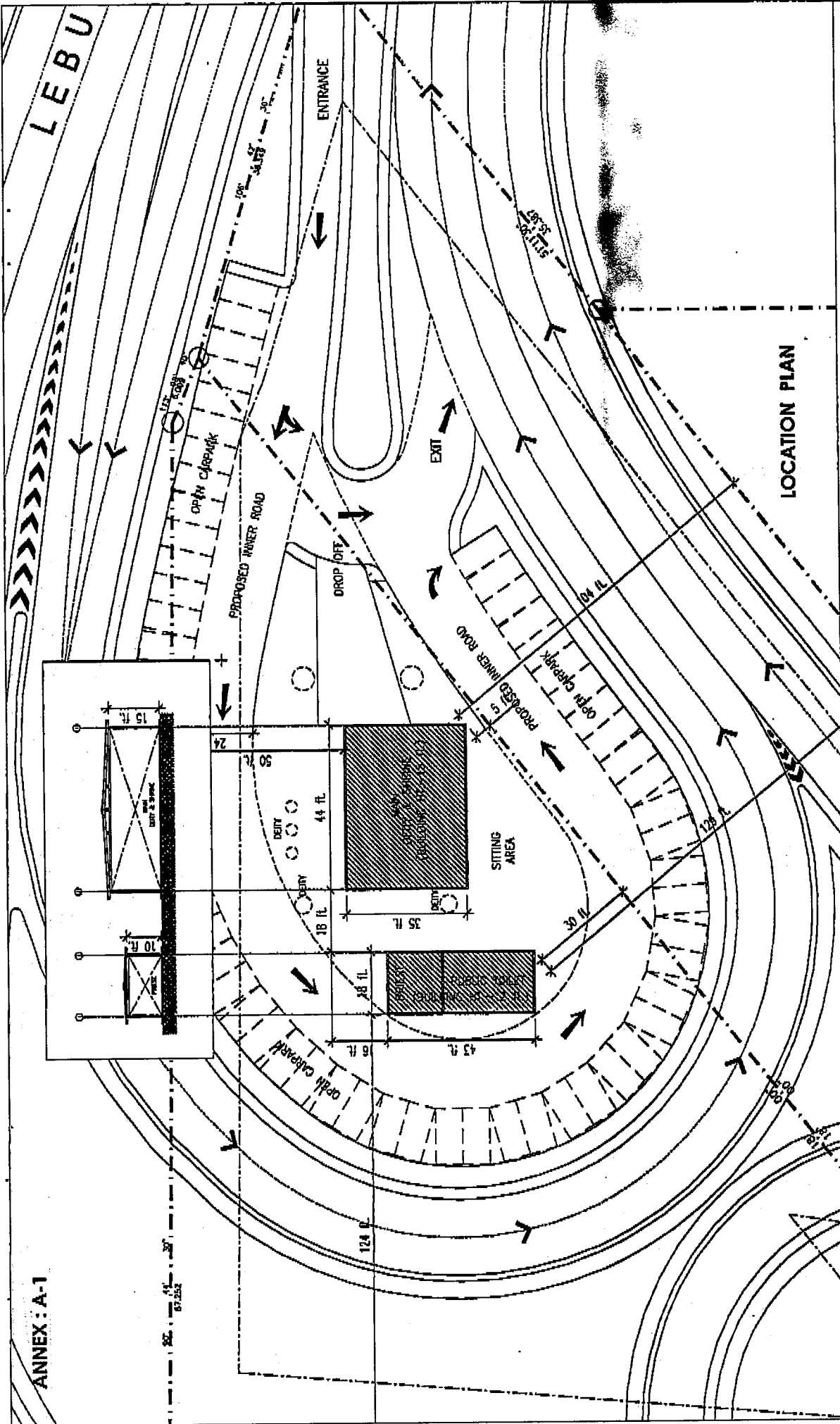
- (5) If upon the expiry of the two (2) months referred to in paragraph 2 above vacant possession of the Existing Site is not delivered to the 4th Defendant, the 4th Defendant is at liberty to execute the Writ of Possession against any parties in occupation on the Existing Site;
- (6) The parties agree that the decision as to the rightful Management Body of the Temple in the 2001 Action shall be deferred until the delivery of vacant possession of the Existing Site to the 4th Defendant in accordance with paragraph 2 above;
- (7) After the Management Body, and all parties who are in possession of or management of the Existing Temple have vacated and delivered vacant possession of the Existing Site to the 4th Defendant, the Management Body shall be entitled to vacant possession of an additional piece of land measuring approximately 1 acre, the location of which is shaded Yellow and marked as "B" of Annexure B ("hereinafter known as Land B") to be given to and for the benefit of the Existing Temple.
- (8) The 2nd and 3rd Defendants shall within reasonable time gazette Lands A and B as lands dedicated for the use as place of worship by the Temple;
- (9) The Plaintiff and/or Nagaraju shall have no claims whatsoever against the 1st Defendant and neither shall the 1st Defendant have any claim whatsoever against the Plaintiff and/or Nagaraju;

- (10) The Plaintiff and/or Nagaraju shall have no claims whatsoever against the 2nd and 3rd Defendants and neither shall the 2nd and 3rd Defendants have any claim whatsoever against the Plaintiff and/or Nagaraju;
- (11) The Plaintiff, Nagaraju, the devotees of the Temple and/or any other persons in occupation of the existing site shall have no interest whatsoever in the Existing Site, and they shall withdraw all claims and shall have no further claims against the 4th Defendant in relation to the Existing Site and they, whether by themselves, their servants or agents are also hereby restrained from entering/registering any encumbrances including private caveat over the Existing Site and neither shall the 4th Defendant have any claim whatsoever against the Plaintiff and/or Nagaraju after vacant possession of the Existing Site has been delivered to the 4th Defendant;
- (12) The terms of this Consent Order is without prejudice to the respective rights of the Plaintiff and Nagaraju in the 2001 Action;
- (13) There shall be no order as to costs against each other in respect of this action;
and
- (14) The parties shall be at liberty to apply

Dated this 11th day of March, 2014.


AHMAD RIZKI BIN ABDUL JALIL
Timbalaan Pendaftar
Mahkamah Tinggi Shah Alam.....
Senior Assistant Registrar
High Court
Shah Alam

This CONSENT JUDGMENT is filed by Messrs Thomas Philip solicitors for the 4th Defendant having the address for service at No. 5-1, Jalan 22A/70A, Wisma CKL, 50480 Kuala Lumpur
No. Tel: 03-6201 5678 No. Faks: 03-6203 5678
[Ref No.:10.2185]



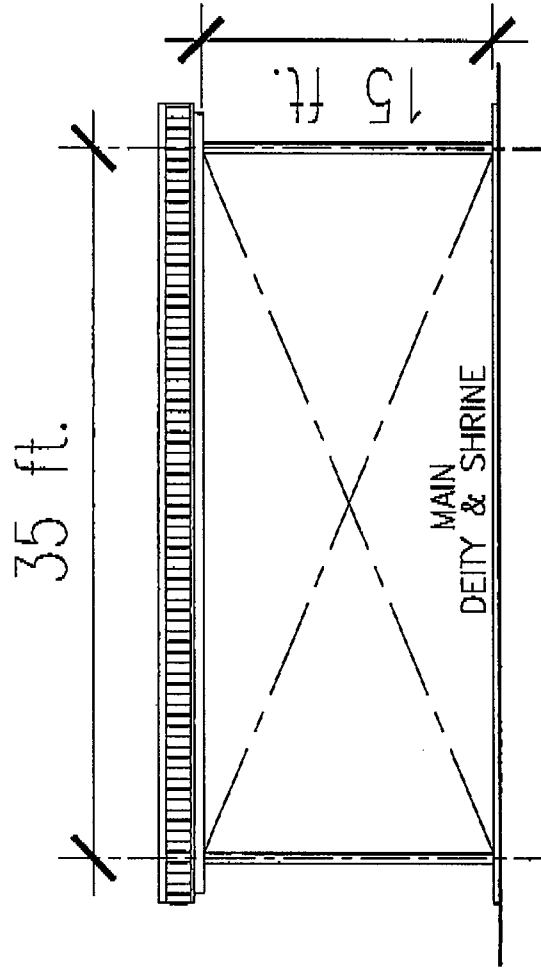
ANNEX : A-1

LOCATION PLAN

HINDU KUIL SRI MAHA MARIAMMAN ~~DEVI~~ @ USJ 25, SUBANG JAYA, SELANGOR D.E.
 ON A PIECE OF LAND NOT EXCEEDING 15,000 SQ.FT. BEING PART OF LAND HELD UNDER HSD 2832002
 LOT PT 567 PEKAN SUBANG, DAERAH PETAJING, NEGERI SELANGOR.



ANNEX : A-2

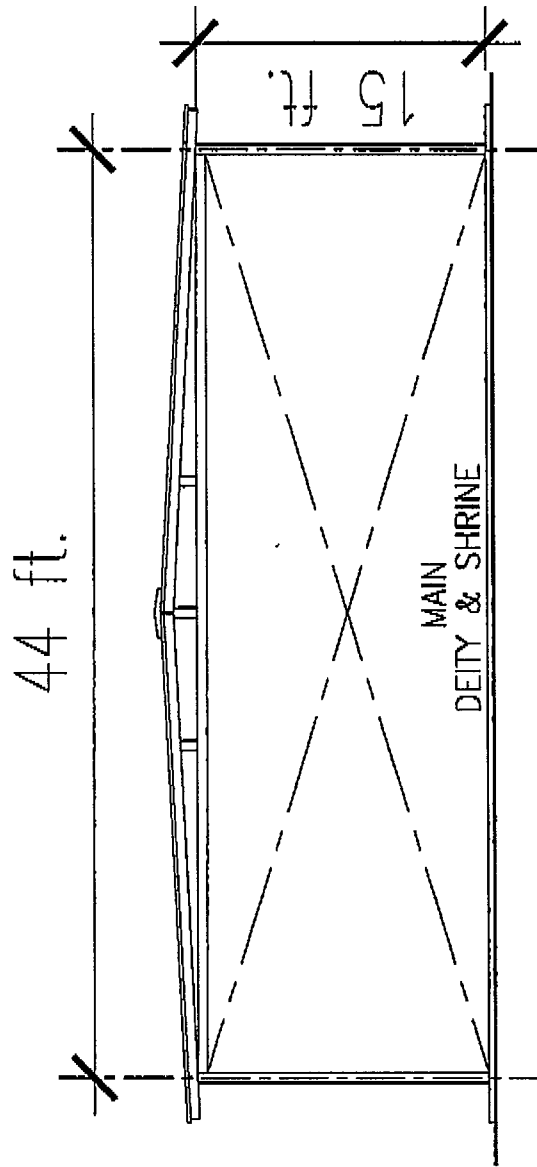


FRONT ELEVATION

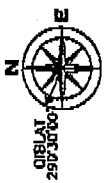


HINDU KUIL SRI MAHA MARIAMMAN ~~DI~~ @ USJ 25, SUBANG JAYA, SELANGOR D.E.
 ON A PIECE OF LAND NOT EXCEEDING 15,000 SQ.FT. BEING PART OF LAND HELD UNDER HSD 2832002
 LOT PT 567 PEKAN SUBANG, DAERAH PETALING, NEGERI SELANGOR.

ANNEX : A-3

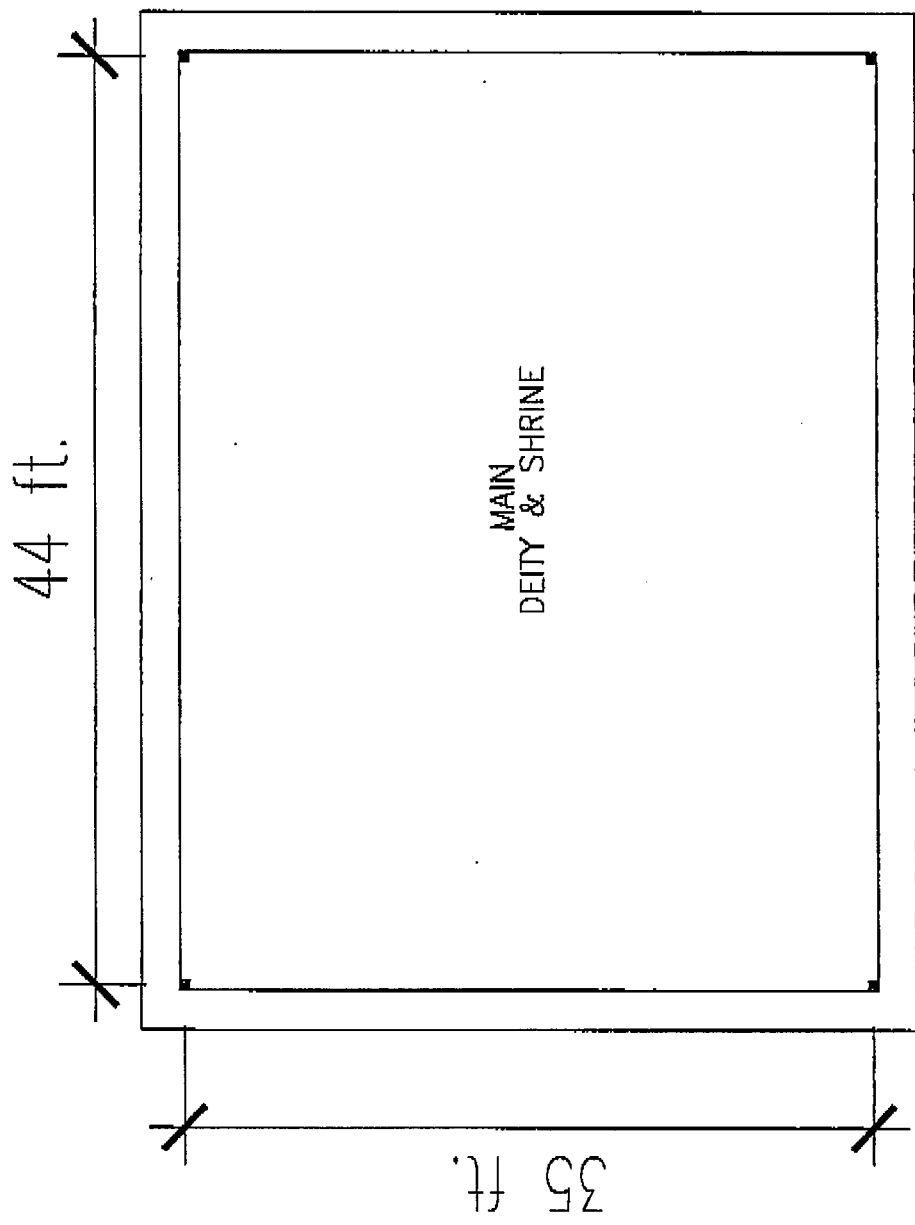


SIDE ELEVATION



HINDU KUJIL MAHA MARIAMMAN @ USJ 25, SUBANG JAYA, SELANGOR D.E.
 ON A PIECE OF LAND NOT EXCEEDING 15,000 SQ.FT. BEING PART OF LAND HELD UNDER HSD 2832002
 LOT PT 567 PEKAN SUBANG, DAERAH PETALING, NEGERI SELANGOR.

ANNEX : A-4



PLAN

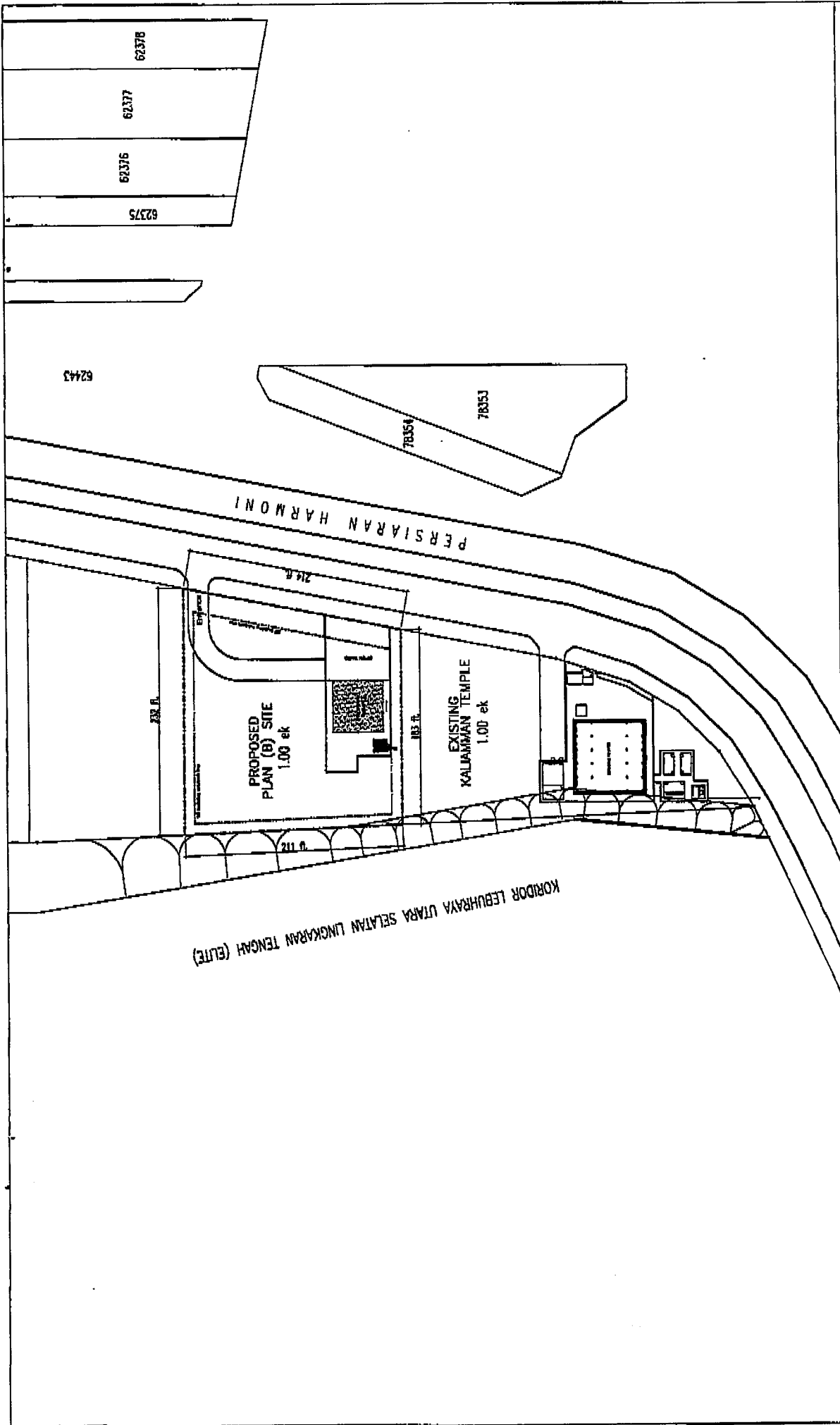


HINDU KUIL SRI MAHA MARIAMMAN ~~DEWAS~~ @ USJ 25, SUBANG JAYA, SELANGOR D.E.
 ON A PIECE OF LAND NOT EXCEEDING 15,000 SQ.FT. BEING PART OF LAND HELD UNDER HSD 2832002
 LOT PT 567 PEKAN SUBANG, DAERAH PETALING, NEGERI SELANGOR.

A-5

SPECIFICATION

Project	: Hindu Kuli Sri Mariamman @ USJ 25, Subang Jaya, Selangor	
Structure	: Reinforced concrete frame/ Steel frame	
Wall	: Masonry wall	
Roof	: Metal Roof	
Floor Finishes	: Cement render	
Wall Finishes	: Internal walls	* Skim coat with emulsion paint
	: External walls	* Plaster with weathershield paint
Doors	: Entrance door	* Plywood flush door
Windows	: Aluminium frame window (If any)	
Sanitary	: Pedestal water closet	* 6 Nos
(For toilet only)	: Wash basin with tap fitting	* 3 Nos



ANNEXURE 'B'

SITE PLAN OF LAND 'B' BEING PART OF LOT 89

