

Hoe Joo Sawmills (sued as a firm)     -     -     -     -     *Appellant*

v.

Sigma (Air Conditioning) Sdn. Bhd.     -     -     -     *Respondent*

FROM

**THE FEDERAL COURT OF MALAYSIA**

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ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL  
COMMITTEE OF THE PRIVY COUNCIL,  
DELIVERED THE 28TH JULY 1981

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*Present at the Hearing :*

LORD DIPLOCK

LORD BRIDGE OF HARWICH

SIR JOHN MEGAW

SIR OWEN WOODHOUSE

*[Delivered by LORD DIPLOCK]*

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This is an appeal from an order of the Federal Court of Malaysia refusing special leave to appeal out of time from the judgment of the High Court in Malaya at Kuala Lumpur. In the case of *Thamboo Ratnam v. Thamboo Cumarasamy* [1965], 1 W.L.R. 8, which was a similar application in Malaysia, this Board expressed its reluctance to interfere with decisions of local courts upon matters of procedure. I cite a passage in the advice given in that case (at page 12) for it applies precisely to this case: "Their Lordships are satisfied that to allow this appeal would be substantially to interfere with the practice of the Board in regard to applications of this nature. The Board is not familiar with the practice in local courts and their Lordships are most unwilling to interfere with the exercise of their discretion upon questions of procedure". Their Lordships see no reason for departing from that salutary rule and they will advise His Majesty the Yang di-Pertuan Agong that this appeal should be dismissed with costs.

**In the Privy Council**

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**HOE JOO SAWMILLS**

v.

**SIGMA (AIR CONDITIONING)  
SDN. BHD.**

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DELIVERED BY  
LORD DIPLOCK