

Jaafar bin Ibrahim

Appellant

v.

Gan Kim Kin

Respondent

FROM

THE FEDERAL COURT OF MALAYSIA

ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL, DELIVERED THE 20TH MAY 1987

Present at the Hearing:

LORD BRIDGE OF HARWICH

LORD BRIGHTMAN

LORD TEMPLEMAN

LORD MACKAY OF CLASHFERN

LORD OLIVER OF AYLERTON

[Delivered by Lord Bridge of Harwich]

This is an appeal from a judgment of the Federal Court of Malaysia dated 18th September 1984 dismissing an appeal from a judgment of the High Court delivered by Mr. Justice Peh Swee Chin on 5th June 1984 whereby he dismissed the claims of the plaintiff, the appellant before their Lordships' Board, and allowed a counterclaim of the defendant, who is the respondent before their Lordships' Board. The Federal Court gave their reasons in writing for their decision on 23rd February 1985. Insofar as the appeal turns on issues of fact there were concurrent findings of fact in favour of the respondent by both courts below and their Lordships can find no conceivable ground for interfering with those findings. On the application of the law to those facts it seems to their Lordships that both courts below came to the correct and indeed to the only proper conclusions at which they could arrive. The submissions of counsel for the appellant who has done, if their Lordships may so, his manful best to persuade the Board that there is matter here for consideration on appeal have failed to persuade their Lordships that there is in truth any arguable ground on which the decision of the Federal Court can be criticised. The reasons given by the Federal Court

for their decision seem to their Lordships wholly convincing and this Board gratefully adopts them.

Their Lordships will accordingly report to His Majesty the Yang di-Pertuan Agong their opinion that this appeal ought to be dismissed with costs.



