

Medical Negligence in Malaysia: Cases and Commentary, first published in 2009, was the first book containing cases and commentaries of medical negligence in Malaysia, comprising the case law from 1950s to 2009. This Second Edition continues to be the lead reference on medical negligence case law in Malaysia, providing a useful compilation of local medical negligence cases with additional updates of cases from 2010 to 2020. This updated edition contains more than 50 new medical negligence cases including three major Federal Court rulings which develop the law in this area: *Dr Hari Krishnan & Anor v Megat Noor Ishak bin Megat Ibrahim & Anor (and Another Appeal)* [2018] 1 AMR 209 (aggravated damages); *Dr Kok Choong Seng & Anor v Soo Cheng Lin (and Another Appeal)* [2017] 6 AMR 609 (non-delegable duty of hospital); and *Zulhasnimar binte Hasan Basri & Anor v Dr Kuppu Velumani P & 2 Ors* [2017] 5 AMR 413 (standard of care for duty to diagnose, treat and warn).

Written by a professor of law whose areas of expertise include the subject of negligence and medical law, this book will be useful for medical professionals, lawyers, judges, hospital administrators, insurers as well as law students.

KEY FEATURES

- Additional medical negligence case law from 2010 to 2020
- Comprehensive commentary that discusses the development of medical negligence law from the 1960s up to the present
- Analysis of cases with summary of facts and holdings, accompanied by key excerpts of the court's judgment, highlighting the key issues and legal principles
- Concise notes on the quantum of damages awarded
- Subject Index facilitates easy and quick research

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978-967-2919-50-6

SWEET & MAXWELL

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IN MALAYSIA
Cases and Commentary

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Published in 2021 by
Thomson Reuters Asia Sdn Bhd (201801016202 (1278218-W))
E-03-GF, Ground Floor, Block E
Garden Shoppe, One City, Jalan USJ 25/1A
47650 Subang Jaya
Selangor Darul Ehsan, Malaysia

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ISBN 978-967-2919-50-6
ISBN 978-967-2919-44-5 (ProView eBook)

Cover design by Edward Goh

Printed by Yamagata (Malaysia) Sdn Bhd (219625-T)
Lot PT 1661, Nilai Industrial Estate, PO Box 9, 71809 Nilai, Negeri Sembilan

Preface

Medical negligence is principally concerned with the tort of negligence applied in the specific context of the provision of health care. As the law of torts is mostly based on case law, a thorough knowledge of cases is essential in understanding the subject. Thus, it is useful to know the development of cases in the area of medical negligence to be able to understand the application of the principles of law on negligence to new factual circumstances affecting the medical profession. The discussion in the cases of medical negligence should also serve to illustrate the limits of liability and offer instant insight into proper analysis of the problem.

The aim of writing this book is to provide case summaries pertaining to medical negligence in Malaysia from 1950s to 2020 together with a brief commentary for each case. The current availability of electronic sources on these cases may allow the readers to have easy access to the cases but at times, studying the cases could be baffling and the judgment may be confusing due to the lengthy discussions on the facts and principles of law. This book provides the readers with summarised explanation of the facts and decision of the cases together with the relevant extract of the court's judgment. So far, there has yet to be any casebook written on medical negligence in Malaysia. Available casebooks on medical negligence are only focusing on the English and Australian cases. Therefore, this book would be a useful and thorough guide, especially for students and academics learning about medical negligence in Malaysia. Similarly, the medical and legal professions will find the book informative and relevant to the medico-legal setting.

Professor Dr Puteri Nemie Jahn Kassim
February 6, 2021

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- Elizabeth Chin Yew Kim & Anor v Dato' Ong Gim Huat (sued as public officer of Hospital Lam Wah Ee) and other appeals* [2017] 1 MLJ 328 [7.247]
- Gleneagles Hospital (KL) Sdn Bhd v Chung Chu Yin (seorang budak (infant) yang menuntut melalui bapa dan sahabat wakilnya, Chung Shan Yong) & 3 Ors* [2013] 2 PIR [12]; [2013] 4 MLJ 785 [7.119]
- Gurisha Taranjeet Kaur (an infant suing by her father and litigation representative, Taranjeet Singh s/o Bhagwan Singh) & Anor v Dr Premitha Damodaran & Anor* [2020] 4 AMR 136; [2020] 6 CLJ 446 [8.008]
- Hari Krishnan, Dr & Anor v Megat Noor Ishak bin Megat Ibrahim & Anor (and Another Appeal)* [2018] 1 AMR 209; [2018] 3 MLJ 281 [7.284]
- Hariesh Kumar a/l Muthragi v Kerajaan Malaysia & Ors* [2011] MLJU 1533 [7.062]
- Hasan bin Datolah v Kerajaan Malaysia* [2010] 3 AMR 299;
[2010] 2 MLJ 646 [7.014]
- Hassan Datolah v Kerajaan Malaysia* [2003] 5 CLJ 355 [6.031]
- Hor Sai Hong & Anor v University Hospital & Anor* [2002] 5 MLJ 167 [6.026]
- KS Sivananthan, Dr v The Government of Malaysia & Anor*
[2000] 4 AMR 3767; [2001] 1 MLJ 35 [6.006]
- Lai Ping @ Lai Wai Ping v Dr Lim Tye Ling & 2 Ors* [2014] 3 AMR 530;
[2015] 8 MLJ 62 [1.162]
- Lim Zi Hong v Pengarah Hospital Selayang & Ors* [2013] MLJU 1613 [7.146]
- Loo Chooi Gaik v Dr Loh Lay Soon* [2018] AMEJ 1807; [2019] 4 CLJ 281 [7.323]
- Mariah bte Mohamad (Administratrix of the Estate of Wan Salleh bin Wan Ibrahim, Deceased) v Abdullah bin Daud (Dr Lim Kok Eng & Anor, Third Parties)* [1990] 1 MLJ 240 [5.001]
- Mohd Shafie bin Abdul Samat v Penguasa Perubatan & Anor*
[2011] 9 MLJ 254 [7.056]
- Muhammad Yassien bin Zuliskandar (Seorang Kanak-Kanak Yang Mendakwa Melalui Bapanya dan Sahabat Wakilnya Zuliskandar bin Md Pechor) & Ors v Kerajaan Malaysia* [2010] MLJU 2163 [7.008]

<i>Ng Eu Khoon v Dr Gwen Smith & Ors</i> [1991] 1 LNS 442	[5.011]
<i>Noor Aini bt Hj Sa'ari, Dr v Sa-art Sae Lee (also known as Sa-Art Phuakthim) & Anor</i> [2016] 1 MLJ 317	[7.208]
<i>Payremalu all Veerappan v Dr Amarjeet Kaur & 3 Ors</i> [2001] 3 AMR 3305; [2001] 3 MLJ 725	[6.017]
<i>Pyu Pyu Ma v Dr Lim Soo How & Ors</i> [2019] 11 MLJ 628	[7.346]
<i>Ramanaidu all C Simansalom v Kerajaan Malaysia & Ors</i> [2011] MLJU 1199	[7.037]
<i>Soo Fook Mun, Dr v Foo Fio Na & Anor (and Another Appeal)</i> [2001] 2 AMR 2205; [2001] 2 MLJ 193	[6.011]
<i>Udhaya Kumar all Karuppusamy & Anor v Penguasa Hospital Daerah Pontian & Ors</i> [2004] 2 MLJ 661	[6.053]

Consent to medical treatment

<i>Lee Ewe Poh v Dr Lim Teik Man & Anor</i> [2011] 1 MLJ 835	[7.020]
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Contributory negligence

<i>Mariah bte Mohamad (Administratrix of the Estate of Wan Salleh bin Wan Ibrahim, Deceased) v Abdullah bin Daud (Dr Lim Kok Eng & Anor, Third Parties)</i> [1990] 1 MLJ 240	[5.001]
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Damages for personal injuries

<i>Abdul Rahman bin Abdul Karim v Abdul Wahab bin Abdul Hamid</i> [1996] 4 MLJ 623	[5.032]
<i>Ahmad Radhiq Arbee bin Ahmad Rejal Arbee & Ors v Kerajaan Malaysia & 31 Ors</i> [2020] AMEJ 0571; [2020] 1 LNS 702	[8.026]
<i>Ahmad Thaqif Amzar bin Ahmad Huzairi (claiming through his mother and legal representative, Majdah bt Mohd Yusof) v Kuala Terengganu Specialist Hospital Sdn Bhd & Ors</i> [2020] MLJU 2154	[8.016]
<i>Ang Tiong Seng v Goh Huan Chir</i> [1970] 2 MLJ 271	[3.007]
<i>Arif Budiman bin Deraman (suing in the capacity as a guardian ad-litem to an underage individual known as Nur Hana Eryana bt Arif Budiman) v Dr Kishore all Balagangadharan & Anor</i> [2020] MLJU 2234	[8.001]
<i>Inas Faiqah bt Mohd Helmi (an infant suing through her father and next friend, Mohd Helmi bin Abdul Aziz) v Kerajaan Malaysia & 2 Ors</i> [2016] 2 AMR 217; [2016] 2 MLJ 1	[7.200]
<i>Inderjeet Singh all Piara Singh v Mazlan bin Jasman & 2 Ors</i> [1995] 3 AMR 2201; [1995] 2 MLJ 646	[5.022]
<i>Kathavarayan v Ng Sup Moi & Anor</i> [1987] 1 MLJ 246	[4.027]
<i>Kok Choong Seng, Dr & Anor v Soo Cheng Lin (and Another Appeal)</i> [2017] 6 AMR 609; [2018] 1 MLJ 685	[7.264]
<i>Loo Wee Woon v Dato' Dr Tan Chong Siong (Medical Superintendent, Hospital Lam Wah Ee for year 2000) & Ors</i> [2013] 9 MLJ 146	[7.159]
<i>Mariah bte Mohamad (Administratrix of the Estate of Wan Salleh bin Wan Ibrahim, Deceased) v Abdullah bin Daud (Dr Lim Kok Eng & Anor, Third Parties)</i> [1990] 1 MLJ 240	[5.001]
<i>Muhammad Yassein Zuliskandar (a child suing through his father and next friend; Zuliskandar Md Pechor) v Kerajaan Malaysia & 3 Ors</i> [2018] 6 AMR 767; [2019] 4 CLJ 289	[7.328]
<i>Muhammad Zulkarnain bin Mohamed Rokani & Ors v Pengarah Hospital Sultan Ismail Johor Bahru & Ors</i> [2020] MLJU 1338	[8.033]

<i>Puteri Specialist Hospital (Johor) Sdn Bhd v Lee Kong Yoong (and Another Case)</i> [2019] AMEJ 1664; [2019] 1 LNS 2046	[7.357]
<i>Pyu Pyu Ma v Dr Lim Soo How & Ors</i> [2019] 11 MLJ 628	[7.346]
<i>Rohgetana a/p Mayathevan (an infant suing through his father and litigation representative, Mayathevan a/l Mayandi) v Dr Navin Kumar & Ors (and Other Appeals)</i> [2017] 4 MLJ 102	[7.237]
<i>Sheela Christina Nair v Regency Specialist Hospital Sdn Bhd & 2 Ors</i> [2016] AMEJ 1622; [2016] MLJU 1899	[7.224]
<i>Soo Cheng Lin v Dr Kok Choong Seng & Anor (and Another Appeal)</i> [2017] 1 MLJ 521	[7.257]
<i>Stanley Isaacs (suing by himself and as the administrator of the estate of To' Puan Suzanne Thomas, deceased), Dato' v The Government of Malaysia & Ors</i> [2019] 8 MLJ 331	[7.339]
<i>Turkyah Abdulrahman Assiri v Dr Seri Suniza & Prince Court Medical Centre Sdn Bhd</i> [2014] 1 LNS 812	[7.168]
<i>Udhaya Kumar a/l Karuppusamy & Anor v Penguasa Hospital Daerah Pontian & Ors</i> [2004] 2 MLJ 661	[6.053]
<i>Vincent Manickam s/o David (suing by himself and as administrator of the estate of Catherine Jeya Sellamah, deceased) & Ors v Dr S Hari Rajah & Anor</i> [2018] 2 MLJ 497	[7.291]
<i>Wang Hsiuh Ling v Dr Peter Ng & Anor</i> [1991] 2 CLJ 1613	[5.016]
<i>Wan Norsiah binti Wan Abdullah v Che Harun bin Che Daud</i> [1980] 1 MLJ 237	[4.001]
<i>Yahaya bin Mat & Anor v Abdul Rahman bin Abu</i> [1983] 1 MLJ 302	[4.016]
<i>Yoong Leok Kee Corporation Sdn Bhd v Chin Thong Thai</i> [1981] 2 MLJ 21	[4.006]

Damages in personal injuries

<i>Rosli bin Mohd Amin & Ors v Pengarah Hospital Segamat & Ors</i> [2011] 8 MLJ 441	[7.051]
<i>Teh Bee Tee, Dr v Dr Joshua Mohanraj Daniel & Anor</i> [2018] 11 MLJ 238	[7.304]

Discharged from hospital against medical advice

<i>Wan Norsiah binti Wan Abdullah v Che Harun bin Che Daud</i> [1980] 1 MLJ 237	[4.001]
<i>Yahaya bin Mat & Anor v Abdul Rahman bin Abu</i> [1983] 1 MLJ 302	[4.016]
<i>Yoong Leok Kee Corporation Sdn Bhd v Chin Thong Thai</i> [1981] 2 MLJ 21	[4.006]

Duties of registered medical practitioner

<i>Chua Kaw Bing, Dr v Majlis Perubatan Malaysia</i> [1997] 5 MLJ 596	[5.064]
<i>Mohan Rajadurai v Majlis Perubatan Malaysia</i> [1998] 1 CLJ 903	[2.006]
<i>Ong Bak Hin v General Medical Council</i> [1956] 1 MLJ 117	[2.011]
<i>Public Prosecutor v Dr GJN D'Fonseka</i> [1958] MLJ 102	[2.011]

Duty of care in medical negligence

<i>Ang Yew Meng & Anor v Dr Sashikannan a/l Arunasalam & Ors</i> [2011] 9 MLJ 153	[7.032]
<i>Chung Chu Yin & Ors v Dr Jimmy Tang Sek Cheong & Anor</i> [2012] 5 CLJ 87	[7.105]
<i>Gleneagles Hospital (KL) Sdn Bhd v Chung Chu Yin (seorang budak (infant) yang menuntut melalui bapa dan sahabat wakilnya, Chung Shan Yong) & 3 Ors</i> [2013] 2 PIR [12]; [2013] 4 MLJ 785	[7.119]

<i>Lim Puay Leng v Dr Azhar bin Zainuddin & Anor</i> [2019] MLJU 1742	[7.362]
<i>Wu Siew Yong v Pulau Pinang Clinic Sdn Bhd & Anor</i> [2011] 3 MLJ 506	[7.027]

Expert evidence in medical negligence claim

<i>R Neelameghan Ramasamy & Anor v Noor Faizan Saaidin & Ors</i> [2012] MLJU 1785	[7.087]
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Informed consent

<i>Abdul Razak bin Datuk Abu Samah (claimed as a widower to Fatimah @ Rohani bt Zainal, on behalf of the deceased) v Raja Badrul Hisham bin Raja Zezeman Shah & 4 Ors</i> [2013] 4 AMR 334; [2013] 10 MLJ 34	[7.133]
<i>Ahmad Zubir bin Zahid (suing by himself and as the administrator of the estate of Fatimah binti Samat, deceased) v Datuk Dr Zainal Abidin Abdul Hamid & 3 Ors</i> [2018] AMEJ 1641; [2018] MLJU 1534	[7.271]
<i>Chew Swee Hiang v Attorney General of Singapore & Anor</i> [1991] 1 MLJ 284	[5.006]
<i>Chin Yoon Hiap, Dr v Ng Eu Khoon & 2 Ors</i> [1997] 4 AMR 4204; [1998] 1 MLJ 57	[5.058]
<i>Dennis Lee Thian Poh (the first plaintiff is the lawful husband and defendant of the deceased, Ho Pau Yu) & 2 Ors v Dr Michael Samy & Anor</i> [2018] 6 AMR 429; [2018] 6 MLRA 1	[7.316]
<i>Foo Fio Na v Dr Soo Fook Mun & Anor</i> [2002] 2 AMR 1524; [2002] 2 MLJ 129	[6.021]
<i>Foo Fio Na v Hospital Assunta & Anor</i> [1999] 4 AMR 4494; [1999] 6 MLJ 738	[5.078]
<i>Gurmit Kaur a/p Jaswant Singh v Tung Shin Hospital & Anor</i> [2012] 4 AMR 532; [2012] 4 MLJ 260	[7.092]
<i>Hari Krishnan, Dr & Anor v Megat Noor Ishak bin Megat Ibrahim & Anor (and Another Appeal)</i> [2018] 1 AMR 209; [2018] 3 MLJ 281	[7.284]
<i>Hasan bin Datolah v Kerajaan Malaysia</i> [2010] 3 AMR 299; [2010] 2 MLJ 646	[7.014]
<i>Hong Chuan Lay v Dr Eddie Soo Fook Mun</i> [1998] 3 AMR 2301; [1998] 7 MLJ 481	[5.069]
<i>Hong Chuan Lay v Dr Eddie Soo Fook Mun</i> [2006] 2 AMR 394; [2006] 2 MLJ 218	[6.042]
<i>Ismail Abdullah, Dr v Poh Hui Lin (Administrator for the Estate of Tan Amoi @ Ong Ah Maury, Deceased)</i> [2009] 7 AMR 277; [2009] 2 MLJ 599	[6.101]
<i>Lechemanavasagar all S Karuppiah v Dr Thomas Yau Pak Chenk & Anor</i> [2008] 1 AMR 833; [2008] 1 MLJ 115	[6.096]
<i>Liew Sin Kiong v Dr Sharon DM Paulraj</i> [1996] 2 AMR 1403; [1996] 5 MLJ 193	[5.027]
<i>Lim Puay Leng v Dr Azhar bin Zainuddin & Anor</i> [2019] MLJU 1742	[7.362]
<i>Muthu all Subramaniam v Dr Wan Hazmy Che Hon</i> [2018] AMEJ 1297; [2018] 1 LNS 1629	[7.278]
<i>Ng Eu Khoon v Dr Gwen Smith & Ors</i> [1991] 1 LNS 442	[5.011]
<i>Ramanaidu all C Simansalom v Kerajaan Malaysia & Ors</i> [2011] MLJU 1199	[7.037]
<i>Soo Fook Mun, Dr v Foo Fio Na & Anor (and Another Appeal)</i> [2001] 2 AMR 2205; [2001] 2 MLJ 193	[6.011]
<i>Tan Ah Kau v Government of Malaysia</i> [1997] 2 AMR 1382	[5.054]
<i>Zulhasnimar binte Hasan Basri & Anor v Dr Kuppu Velumani P & 2 Ors</i> [2017] 5 AMR 413; [2017] 5 MLJ 438	[7.241]

Negligent diagnosis

- Wan Himratul Azna bt Wan Harun, Dr v Dato' Dr Rohan Malek Johan & Ors*
[2017] 3 MLJ 82 [7.252]

Negligent diagnosis and treatment

- Ahmad Thaqif Amzar bin Ahmad Huzairi (claiming through his mother and legal representative, Majdah bt Mohd Yusof) v Kuala Terengganu Specialist Hospital Sdn Bhd & Ors* [2020] MLJU 2154 [8.016]
- Arif Budiman bin Deraman (suing in the capacity as a guardian ad-litem to an underage individual known as Nur Hana Eryana bt Arif Budiman) v Dr Kishore a/l Balagangadharan & Anor* [2020] MLJU 2234 [8.001]
- Chelliah a/l Manickam & Anor v Kerajaan Malaysia*
[1997] 2 AMR 1856; [1997] 5 CLJ 78 [5.049]
- Chien Tham Kong v Excellent Strategy Sdn Bhd & Ors*
[2009] 7 MLJ 261 [6.106]
- Gurisha Taranjeet Kaur (an infant suing by her father and litigation representative, Taranjeet Singh s/o Bhagwan Singh) & Anor v Dr Premitha Damodaran & Anor* [2020] 4 AMR 136; [2020] 6 CLJ 446 [8.008]
- Hong Chuan Lay v Dr Eddie Soo Fook Mun* [1998] 3 AMR 2301;
[1998] 7 MLJ 481 [5.069]
- Hong Chuan Lay v Dr Eddie Soo Fook Mun* [2006] 2 AMR 394;
[2006] 2 MLJ 218 [6.042]
- Inderjeet Singh a/l Piara Singh v Mazlan bin Jasman & 2 Ors*
[1995] 3 AMR 2201; [1995] 2 MLJ 646 [5.022]
- Kalamal a/p Raman & Ors v Eastern Plantation Agency (Johore) Sdn Bhd Ulu Tiram Estate, Ulu Tiram, Johore & Anor* [1996] 4 MLJ 674 [5.039]
- Lim Zi Hong v Pengarah Hospital Selayang & Ors* [2013] MLJU 1613 [7.146]
- Noor Aini bt Hj Sa'ari, Dr v Sa-art Sae Lee (also known as Sa-Art Phuakthim) & Anor* [2016] 1 MLJ 317 [7.208]
- Poobalan Shelliah v Thurairaja Govindasamy & Ors* [2019] MLRHU 1509 [7.334]
- Tan Eng Siew & Anor v Dr Jagjit Singh Sidhu & Anor* [2006] 1 MLJ 57 [6.069]
- Udhaya Kumar a/l Karuppusamy & Anor v Penguasa Hospital Daerah Pontian & Ors* [2004] 2 MLJ 661 [6.053]
- Wong Choon Mei & Anor v Dr Kuldeep Singh & Anor* [1985] 2 MLJ 373 [4.021]
- Zulhasnimar binte Hasan Basri & Anor v Dr Kuppu Velumani P & 2 Ors*
[2017] 5 AMR 413; [2017] 5 MLJ 438 [7.241]

Negligent treatment

- Ahmad Faisal Hilmie bin Abd Razak v Dr Muhd Ruzaimi bin Abd Razak & 2 Ors* [2016] AMEJ 1425; [2016] MLJU 631 [7.232]
- Aishah Tul Radziah bt L Hussin, Dr v Dr Suresh a/l Kumarasamy & 4 Ors* [2014] 5 AMR 335; [2014] 11 MLJ 702 [7.173]
- Asiah Kamsah v Dr Rajinder Singh & Ors* [2001] 4 CLJ 269 [6.047]
- Chai Beng Hock v Sabah Medical Centre Sdn Bhd & 2 Ors*
[2011] 2 AMR 741; [2011] MLJU 1548 [7.043]
- Chin Keow v Government of Malaysia* [1967] 2 MLJ 45 [2.021]
- Foong Yeen Keng v Assunta Hospital (M) Sdn Bhd & Anor*
[2006] 2 AMR 324; [2006] 1 CLJ 608 [6.074]
- Government of Malaysia & Anor v Chin Keow* [1965] 2 MLJ 91 [2.016]
- Hassan Datolah v Kerajaan Malaysia* [2003] 5 CLJ 355 [6.031]

<i>Hor Sai Hong & Anor v University Hospital & Anor</i> [2002] 5 MLJ 167	[6.026]
<i>Jade Evangeline Teh Jia Ying v Dr Perlin Loke Jee Kwan & Anor</i> [2019] MLJU 1536	[7.351]
<i>Jayadevan a/l Arayan, Dr & Anor v Sharon Simon (seorang bayi menyaman melalui bapanya dan saudara terdekat En Selvarajah Simon Rayan) & 2 Ors</i> [2000] 2 AMR 2428; [2000] 3 CLJ 647	[6.001]
<i>Kathavarayan v Ng Sup Moi & Anor</i> [1987] 1 MLJ 246	[4.027]
<i>Kee Boon Suan & 2 Ors v Adventist Hospital & Clinical Services (M) & 3 Ors (and Other Appeals)</i> [2018] 5 AMR 217; [2018] 5 MLJ 321	[7.298]
<i>Kow Nan Seng v Nagamah & Ors</i> [1982] 1 MLJ 128	[4.011]
<i>KS Sivananthan, Dr v The Government of Malaysia & Anor</i> [2000] 4 AMR 3767; [2001] 1 MLJ 35	[6.006]
<i>Lechmanavasagar all S Karupiah v Dr Thomas Yau Pak Chenk & Anor</i> [2008] 1 AMR 833; [2008] 1 MLJ 115	[6.096]
<i>Liau Mui Mui @ Leow Phuay Choo v Dr R Venkat Krishnan</i> [1998] 4 AMR 3850; [1999] 1 CLJ 207	[5.073]
<i>Loo Chooi Gaik v Dr Loh Lay Soon</i> [2018] AMEJ 1807; [2019] 4 CLJ 281	[7.323]
<i>Nur Syarafina binti Sa'ari v Kerajaan Malaysia & Ors</i> [2018] MLJU 1158	[7.310]
<i>Nurul Husna binti Muhammad Hafiz (seorang bayi yang menyaman melalui bapa dan wakil litigasinya, Muhammad Hafiz bin Abd Wasti) & Anor v Kerajaan Malaysia & 29 Ors</i> [2014] AMEJ 1460; [2015] 1 CLJ 825	[7.179]
<i>Payremalu all Veerappan v Dr Amarjeet Kaur & 3 Ors</i> [2001] 3 AMR 3305; [2001] 3 MLJ 725	[6.017]
<i>Pengaruh Hospital Selayang & 2 Ors v Ahmad Azizi bin Abdullah James & Ors (ketiga-tiga yang terakhir merupakan kanak-kanak yang mendakwa melalui bapa dan sahabat wakil mereka Ahmad Azizi bin Abdullah @ James)</i> [2012] 5 AMR 115; [2012] 5 MLJ 679	[7.082]
<i>Quah Thong Sai, Dr v Manonmoney a/p Subramoney & Ors</i> [2012] 3 MLJ 379	[7.100]
<i>Sheela Christina Nair v Regency Specialist Hospital Sdn Bhd & 2 Ors</i> [2016] AMEJ 1622; [2016] MLJU 1899	[7.224]
<i>Stanley Isaacs (suing by himself and as the administrator of the estate of To' Puan Suzanne Thomas, deceased), Dato' v The Government of Malaysia & Ors</i> [2019] 8 MLJ 331	[7.339]
<i>Swamy v Matthews & Anor</i> [1967] 1 MLJ 142	[2.026]
<i>V Thuraisingam, Dato' Dr & Anor v Sanmarkan all Ganapathy & Anor</i> [2015] 6 AMR 417; [2016] 3 MLJ 227, CA	[7.112]
<i>Wang Hsiuh Ling v Dr Peter Ng & Anor</i> [1991] 2 CLJ 1613	[5.016]
<i>Wong Wai Ping, Dr & Anor v Woon Lin Sing & 3 Ors</i> [1999] 2 AMR 1693; [1999] 6 CLJ 23	[5.085]

Prescribing drug which patient is allergic to

<i>Wang Hsiuh Ling v Dr Peter Ng & Anor</i> [1991] 2 CLJ 1613	[5.016]
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Procedural issues in medical negligence claim

<i>Aishah Tul Radziah bt L Hussin, Dr v Dr Suresh all Kumarasamy & 4 Ors</i> [2014] 5 AMR 335; [2014] 11 MLJ 702	[7.173]
<i>Dea Ai Eng v Dr Wong Seak Shoon & Anor</i> [2007] 7 CLJ 337	[6.090]
<i>Faridah Ariffin v Dr Lee Hock Bee & Anor</i> [2006] 1 AMR 377; [2006] 1 CLJ 660	[6.064]

<i>K Anandaraj a/l Krishnasamy v Dato' Dr Vijayasingam & Anor</i> [2005] 6 AMR 264; [2005] 7 MLJ 120	[6.059]
<i>Kavitha a/p Krishnan & Anor v Kerajaan Malaysia</i> [2013] AMEJ 0009; [2014] 10 MLJ 586	[7.155]
<i>Krishnan Nambiar a/l G Perabakaran (A minor suing through G Perabakaran a/l Govindan) & Ors v Dr P Mahendran & Anor</i> [2004] 5 MLJ 77	[6.037]
<i>Ku Jia Shiuen (an infant suing through her mother and next friend, Tay Pei Hoon) & Anor v Government of Malaysia & Ors</i> [2013] 4 MLJ 108	[7.112]
<i>Mohd Yusoff @ Mohammad Yusof bin Abd Ghani & Anor v Dr Abd Wahab Sufarian & Anor</i> [2015] MLJU 2167	[7.189]
<i>Nurul Husna binti Muhammad Hafiz (seorang bayi yang menyaman melalui bapa dan wakil litigasinya, Muhammad Hafiz bin Abd Wasti) & Anor v Kerajaan Malaysia & 29 Ors</i> [2014] AMEJ 1460; [2015] 1 CLJ 825	[7.179]
<i>Pengarah Hospital Selayang & 2 Ors v Ahmad Azizi bin Abdullah James & Ors (ketiga-tiga yang terakhir merupakan kanak-kanak yang mendakwa melalui bapa dan sahabat wakil mereka Ahmad Azizi bin Abdullah @ James)</i> [2012] 5 AMR 115; [2012] 5 MLJ 679	[7.082]
<i>Pritam Singh, Dr v Yap Hong Choon</i> [2006] 6 AMR 633; [2006] 4 CLJ 759	[6.085]
<i>R Neelamegham Ramasamy & Anor v Noor Faizan Saaidin & Ors</i> [2012] MLJU 1785	[7.087]
<i>Sanmarkan a/l Ganapathy & Anor (as administrators of the estate of Saradhamani a/p Doraisamy Gopal, the deceased) v Dato' Dr V Thuraisingham & Ors</i> [2012] 3 MLJ 817	[7.070]
<i>Shalini a/p Kanagaratnam v Pusat Perubatan Universiti Malaya (formerly known as University Hospital) & Anor</i> [2015] 1 AMR 483; [2016] 3 MLJ 742, HC	[7.194]
<i>Vista Specialist Eye Center Sdn Bhd v Dato' Loo Son Yong (and Another Appeal)</i> [2016] AMEJ 1712; [2016] 5 MLJ 832	[7.218]
<i>Yap Hong Choon v Dr Pritam Singh</i> [2006] 2 AMR 535; [2006] 1 CLJ 842	[6.079]

Registration of dentist

<i>Ong Hin Wah v Dental Board, Federation of Malaya</i> [1953] 1 MLJ 248	[2.001]
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Res ipsa loquitur

<i>Ang Yew Meng & Anor v Dr Sashikannan a/l Arunasalam & Ors</i> [2011] 9 MLJ 153	[7.032]
<i>Foong Yeen Keng v Assunta Hospital (M) Sdn Bhd & Anor</i> [2006] 2 AMR 324; [2006] 1 CLJ 608	[6.074]
<i>Hor Sai Hong & Anor v University Hospital & Anor</i> [2002] 5 MLJ 167	[6.026]
<i>Jade Evangeline Teh Jia Ying v Dr Perlin Loke Jee Kwan & Anor</i> [2019] MLJU 1536	[7.351]
<i>Liew Sin Kiong v Dr Sharon DM Paulraj</i> [1996] 2 AMR 1403; [1996] 5 MLJ 193	[5.027]
<i>Loo Chooi Gaik v Dr Loh Lay Soon</i> [2018] AMEJ 1807; [2019] 4 CLJ 281	[7.323]
<i>Payremalu a/l Veerappan v Dr Amarjeet Kaur & 3 Ors</i> [2001] 3 AMR 3305; [2001] 3 MLJ 725	[6.017]
<i>Quah Thong Sai, Dr v Manonmoney a/p Subramoney & Ors</i> [2012] 3 MLJ 379	[7.100]

<i>Shalini a/p Kanagaratnam v Pusat Perubatan Universiti Malaya</i> (formerly known as <i>University Hospital</i>) & Anor [2015] 1 AMR 483; [2016] 3 MLJ 742, HC	[7.194]
<i>Wong Choon Mei & Anor v Dr Kuldeep Singh & Anor</i> [1985] 2 MLJ 373	[4.021]

Standard of care in medical negligence

<i>Abdul Ghafur bin Mohd Ibrahim v Pengarah, Hospital Kepala Batas & Anor</i> [2010] 5 AMR 834; [2010] 6 MLJ 181	[7.001]
<i>Abdul Rahman bin Abdul Karim v Abdul Wahab bin Abdul Hamid</i> [1996] 4 MLJ 623	[5.032]
<i>Abdul Razak bin Datuk Abu Samah (claimed as a widower to Fatimah @ Rohani bt Zainal, on behalf of the deceased) v Raja Badrul Hisham bin Raja Zezeman Shah & 4 Ors</i> [2013] 4 AMR 334; [2013] 10 MLJ 34	[7.133]
<i>Ahmad Faisal Hilmie bin Abd Razak v Dr Muhd Ruzaimi bin Abd Razak & 2 Ors</i> [2016] AMEJ 1425; [2016] MLJU 631	[7.232]
<i>Ahmad Thaif Huzair bin Ahmad Huzairi (claiming through his mother and legal representative, Majdah bt Mohd Yusof) v Kuala Terengganu Specialist Hospital Sdn Bhd & Ors</i> [2020] MLJU 2154	[8.016]
<i>Ahmad Zubir bin Zahid (suing by himself and as the administrator of the estate of Fatimah binti Samat, deceased) v Datuk Dr Zainal Abidin Abdul Hamid & 3 Ors</i> [2018] AMEJ 1641; [2018] MLJU 1534	[7.271]
<i>Ang Tiong Seng v Goh Huan Chir</i> [1970] 2 MLJ 271	[3.007]
<i>Arif Budiman bin Deraman (suing in the capacity as a guardian ad-litem to an underage individual known as Nur Hana Eryana bt Arif Budiman) v Dr Kishore a/l Balagangadharan & Anor</i> [2020] MLJU 2234	[8.001]
<i>Asiah Kamsah v Dr Rajinder Singh & Ors</i> [2001] 4 CLJ 269	[6.047]
<i>Chai Beng Hock v Sabah Medical Centre Sdn Bhd & 2 Ors</i> [2011] 2 AMR 741; [2011] MLJU 1548	[7.043]
<i>Chelliah a/l Manickam & Anor v Kerajaan Malaysia</i> [1997] 2 AMR 1856; [1997] 5 CLJ 78	[5.049]
<i>Chew Swee Hiang v Attorney General of Singapore & Anor</i> [1991] 1 MLJ 284	[5.006]
<i>Chien Tham Kong v Excellent Strategy Sdn Bhd & Ors</i> [2009] 7 MLJ 261	[6.106]
<i>Chin Keow v Government of Malaysia</i> [1967] 2 MLJ 45	[2.021]
<i>Chin Yoon Hiap, Dr v Ng Eu Khoon & 2 Ors</i> [1997] 4 AMR 4204; [1998] 1 MLJ 57	[5.058]
<i>Chung Chu Yin & Ors v Dr Jimmy Tang Sek Cheong & Anor</i> [2012] 5 CLJ 87	[7.105]
<i>Dennis Lee Thian Poh (the first plaintiff is the husband of Hoh Pau Yu (deceased)) & Ors v Dr Michael Samy & Anor</i> [2012] 4 MLJ 673	[7.076]
<i>Dennis Lee Thian Poh (the first plaintiff is the lawful husband and defendant of the deceased, Ho Pau Yu) & 2 Ors v Dr Michael Samy & Anor</i> [2018] 6 AMR 429; [2018] 6 MLRA 1	[7.316]
<i>Elizabeth Chin Yew Kim & Anor v Dato' Ong Gim Huat (sued as public officer of Hospital Lam Wah Ee) and other appeals</i> [2017] 1 MLJ 328	[7.247]
<i>Elizabeth Choo v Government of Malaysia</i> [1970] MLJ 171	[3.012]
<i>Foo Fio Na v Dr Soo Fook Mun & Anor</i> [2002] 2 AMR 1524; [2002] 2 MLJ 129	[6.021]
<i>Foo Fio Na v Hospital Assunta & Anor</i> [1999] 4 AMR 4494; [1999] 6 MLJ 738	[5.078]
<i>Foong Yeen Keng v Assunta Hospital (M) Sdn Bhd & Anor</i> [2006] 2 AMR 324; [2006] 1 CLJ 608	[6.074]

<i>Government of Malaysia & Anor v Chin Keow</i> [1965] 2 MLJ 91	[2.016]
<i>Gurisha Taranjeet Kaur (an infant suing by her father and litigation representative, Taranjeet Singh s/o Bhagwan Singh) & Anor v Dr Premitha Damodaran & Anor</i> [2020] 4 AMR 136; [2020] 6 CLJ 446	[8.008]
<i>Gurmit Kaur a/p Jaswant Singh v Tung Shin Hospital & Anor</i> [2012] 4 AMR 532; [2012] 4 MLJ 260	[7.092]
<i>Hari Krishnan, Dr & Anor v Megat Noor Ishak bin Megat Ibrahim & Anor (and Another Appeal)</i> [2018] 1 AMR 209; [2018] 3 MLJ 281	[7.284]
<i>Hariesh Kumar a/l Muthragi v Kerajaan Malaysia & Ors</i> [2011] MLJU 1533	[7.062]
<i>Hasan bin Datolah v Kerajaan Malaysia</i> [2010] 3 AMR 299; [2010] 2 MLJ 646	[7.014]
<i>Hassan Datolah v Kerajaan Malaysia</i> [2003] 5 CLJ 355	[6.031]
<i>Hong Chuan Lay v Dr Eddie Soo Fook Mun</i> [1998] 3 AMR 2301; [1998] 7 MLJ 481	[5.069]
<i>Hong Chuan Lay v Dr Eddie Soo Fook Mun</i> [2006] 2 AMR 394; [2006] 2 MLJ 218	[6.042]
<i>Hor Sai Hong & Anor v University Hospital & Anor</i> [2002] 5 MLJ 167	[6.026]
<i>Inderjeet Singh a/l Piara Singh v Mazlan bin Jasman & 2 Ors</i> [1995] 3 AMR 2201; [1995] 2 MLJ 646	[5.022]
<i>Ismail Abdullah, Dr v Poh Hui Lin (Administrator for the Estate of Tan Amoi @ Ong Ah Mauy, Deceased)</i> [2009] 7 AMR 277; [2009] 2 MLJ 599	[6.101]
<i>Jade Evangeline Teh Jia Ying v Dr Perlin Loke Jee Kwan & Anor</i> [2019] MLJU 1536	[7.351]
<i>Jayadevan a/l Arayan, Dr & Anor v Sharon Simon (seorang bayi menyaman melalui bapanya dan saudara terdekat En Selvarajah Simon Rayan) & 2 Ors</i> [2000] 2 AMR 2428; [2000] 3 CLJ 647	[6.001]
<i>Kalam a/p Raman & Ors v Eastern Plantation Agency (Johore) Sdn Bhd Ulu Tiram Estate, Ulu Tiram, Johore & Anor</i> [1996] 4 MLJ 674	[5.039]
<i>Kathavarayan v Ng Sup Moi & Anor</i> [1987] 1 MLJ 246	[4.027]
<i>Kea Boon Suan & 2 Ors v Adventist Hospital & Clinical Services (M) & 3 Ors (and Other Appeals)</i> [2018] 5 AMR 217; [2018] 5 MLJ 321	[7.298]
<i>Kok Choong Seng, Dr & Anor v Soo Cheng Lin (and Another Appeal)</i> [2017] 6 AMR 609; [2018] 1 MLJ 685	[7.264]
<i>Kow Nan Seng v Nagamah & Ors</i> [1982] 1 MLJ 128	[4.011]
<i>KS Sivananthan, Dr v The Government of Malaysia & Anor</i> [2000] 4 AMR 3767; [2001] 1 MLJ 35	[6.006]
<i>Ku Jia Shiuen (an infant suing through her mother and next friend, Tay Pei Hoon) & Anor v Government of Malaysia & Ors</i> [2013] 4 MLJ 108	[7.112]
<i>Lechemanavasagar a/l S Karupiah v Dr Thomas Yau Pak Chenk & Anor</i> [2008] 1 AMR 833; [2008] 1 MLJ 115	[6.096]
<i>Liau Mui Mui @ Leow Phuay Choo v Dr R Venkat Krishnan</i> [1998] 4 AMR 3850; [1999] 1 CLJ 207	[5.073]
<i>Liew Sin Kiong v Dr Sharon DM Paulraj</i> [1996] 2 AMR 1403; [1996] 5 MLJ 193	[5.027]
<i>Lim Puay Leng v Dr Azhar bin Zainuddin & Anor</i> [2019] MLJU 1742	[7.362]
<i>Lim Zi Hong v Pengarah Hospital Selayang & Ors</i> [2013] MLJU 1613	[7.146]
<i>Loo Chooi Gaik v Dr Loh Lay Soon</i> [2018] AMEJ 1807; [2019] 4 CLJ 281	[7.323]
<i>Mohd Shafie bin Abdul Samat v Penguasa Perubatan & Anor</i> [2011] 9 MLJ 254	[7.056]
<i>Mohd Yusoff @ Mohammad Yusof bin Abd Ghani & Anor v Dr Abd Wahab Sufarian & Anor</i> [2015] MLJU 2167	[7.189]

<i>Muhammad Yassien bin Zuliskandar (Seorang Kanak-Kanak Yang Mendakwa Melalui Bapanya dan Sahabat Wakilnya Zuliskandar bin Md Pechor) & Ors v Kerajaan Malaysia</i> [2010] MLJU 2163	[7.008]
<i>Muthu all Subramaniam v Dr Wan Hazmy Che Hon</i> [2018] AMEJ 1297; [2018] 1 LNS 1629	[7.278]
<i>Ng Eu Khoon v Dr Guen Smith & Ors</i> [1991] 1 LNS 442	[5.011]
<i>Noor Aini bt Hj Sa'ari, Dr v Sa-art Sae Lee (also known as Sa-Art Phuakthim) & Anor</i> [2016] 1 MLJ 317	[7.208]
<i>Norizan bt Abd Rahman v Dr Arthur Samuel</i> [2013] 9 MLJ 385	[7.125]
<i>Nur Syarafina binti Sa'ari v Kerajaan Malaysia & Ors</i> [2018] MLJU 1158	[7.310]
<i>Payremalu all Veerappan v Dr Amarjeet Kaur & 3 Ors</i> [2001] 3 AMR 3305; [2001] 3 MLJ 725	[6.017]
<i>Pengarah Hospital Selayang & 2 Ors v Ahmad Azizi bin Abdullah James & Ors (ketiga-tiga yang terakhir merupakan kanak-kanak yang mendakwa melalui bapa dan sahabat wakil mereka Ahmad Azizi bin Abdullah @ James)</i> [2012] 5 AMR 115; [2012] 5 MLJ 679	[7.082]
<i>Poobalan Shelliah v Thurairaja Govindasamy & Ors</i> [2019] MLRHU 1509	[7.334]
<i>Pyu Pyu Ma v Dr Lim Soo How & Ors</i> [2019] 11 MLJ 628	[7.346]
<i>Quah Thong Sai, Dr v Manonmoney al/p Subramoney & Ors</i> [2012] 3 MLJ 379	[7.100]
<i>Sanmarkan a/l Ganapathy & Anor (as administrators of the estate of Saradhamani al/p Doraisamy Gopal, the deceased) v Dato' Dr V Thuraisingham & Ors</i> [2012] 3 MLJ 817	[7.070]
<i>Shalini al/p Kanagaratnam v Pusat Perubatan Universiti Malaya (formerly known as University Hospital) & Anor</i> [2015] 1 AMR 483; [2016] 3 MLJ 742, HC	[7.194]
<i>Soo Fook Mun, Dr v Foo Fio Na & Anor (and Another Appeal)</i> [2001] 2 AMR 2205; [2001] 2 MLJ 193	[6.011]
<i>Stanley Isaacs (suing by himself and as the administrator of the estate of To' Puan Suzanne Thomas, deceased), Dato' v The Government of Malaysia & Ors</i> [2019] 8 MLJ 331	[7.339]
<i>Swamy v Mattheus & Anor</i> [1967] 1 MLJ 142	[2.026]
<i>Tan Ah Kau v Government of Malaysia</i> [1997] 2 AMR 1382	[5.054]
<i>Tan Eng Siew & Anor v Dr Jagjit Singh Sidhu & Anor</i> [2006] 1 MLJ 57	[6.069]
<i>Teh Bee Tee, Dr v Dr Joshua Mohanraj Daniel & Anor</i> [2018] 11 MLJ 238	[7.304]
<i>Turkyah Abdulrahman Assiri v Dr Seri Suniza & Prince Court Medical Centre Sdn Bhd</i> [2014] 1 LNS 812	[7.168]
<i>Udhaya Kumar all Karuppusamy & Anor v Penguasa Hospital Daerah Pontian & Ors</i> [2004] 2 MLJ 661	[6.053]
<i>V Thuraisingam, Dato' Dr & Anor v Sanmarkan all Ganapathy & Anor</i> [2015] 6 AMR 417; [2016] 3 MLJ 227	[7.112]
<i>Velupillai v Government of Malaysia & Anor</i> [1970] 2 MLJ 63	[3.001]
<i>Wan Himratul Azna bt Wan Harun, Dr v Dato' Dr Rohan Malek Johan & Ors</i> [2017] 3 MLJ 82	[7.252]
<i>Wang Hsiuh Ling v Dr Peter Ng & Anor</i> [1991] 2 CLJ 1613	[5.016]
<i>Wong Choon Mei & Anor v Dr Kuldeep Singh & Anor</i> [1985] 2 MLJ 373	[4.021]
<i>Wong Wai Ping, Dr & Anor v Woon Lin Sing & 3 Ors</i> [1999] 2 AMR 1693; [1999] 6 CLJ 23	[5.085]
<i>Wu Siew Yong v Pulau Pinang Clinic Sdn Bhd & Anor</i> [2011] 3 MLJ 506	[7.027]
<i>Zulhasnimar binte Hasan Basri & Anor v Dr Kuppu Velumani P & 2 Ors</i> [2017] 5 AMR 413; [2017] 5 MLJ 438	[7.241]

Vicarious liability

- Arif Budiman bin Deraman (suing in the capacity as a guardian ad-litem to an underage individual known as Nur Hana Eryana bt Arif Budiman) v Dr Kishore a/l Balagangadharan & Anor* [2020] MLJU 2234 [8.001]
- Chien Tham Kong v Excellent Strategy Sdn Bhd & Ors* [2009] 7 MLJ 261 [6.106]
- Elizabeth Chin Yew Kim & Anor v Dato' Ong Gim Huat (sued as public officer of Hospital Lam Wah Ee) and other appeals* [2017] 1 MLJ 328 [7.247]
- Jayadevan a/l Arayan, Dr & Anor v Sharon Simon (seorang bayi menyaman melalui bapanya dan saudara terdekat En Selvarajah Simon Rayan) & 2 Ors* [2000] 2 AMR 2428; [2000] 3 CLJ 647 [6.001]
- Kalamal alp Raman & Ors v Eastern Plantation Agency (Johore) Sdn Bhd Ulu Tiram Estate, Ulu Tiram, Johore & Anor* [1996] 4 MLJ 674 [5.039]
- Kee Boon Suan & 2 Ors v Adventist Hospital & Clinical Services (M) & 3 Ors (and Other Appeals)* [2018] 5 AMR 217; [2018] 5 MLJ 321 [7.298]
- Kok Choong Seng, Dr & Anor v Soo Cheng Lin (and Another Appeal)* [2017] 6 AMR 609; [2018] 1 MLJ 685 [7.264]
- Lechmanavasagar a/l S Karuppiah v Dr Thomas Yau Pak Chenk & Anor* [2008] 1 AMR 833; [2008] 1 MLJ 115 [6.096]
- Liau Mui Mui @ Leow Phuay Choo v Dr R Venkat Krishnan* [1998] 4 AMR 3850; [1999] 1 CLJ 207 [5.073]
- Soo Cheng Lin v Dr Kok Choong Seng & Anor (and Another Appeal)* [2017] 1 MLJ 521 [7.257]
- Tan Eng Siew & Anor v Dr Jagjit Singh Sidhu & Anor* [2006] 1 MLJ 57 [6.069]
- Teh Bee Tee, Dr v Dr Joshua Mohanraj Daniel & Anor* [2018] 11 MLJ 238 [7.304]
- Vincent Manickam s/o David (suing by himself and as administrator of the estate of Catherine Jeya Sellamah, deceased) & Ors v Dr S Hari Rajah & Anor* [2018] 2 MLJ 497 [7.291]
- Wan Himratul Azna bt Wan Harun, Dr v Dato' Dr Rohan Malek Johan & Ors* [2017] 3 MLJ 82 [7.252]
- Wong Wai Ping, Dr & Anor v Woon Lin Sing & 3 Ors* [1999] 2 AMR 1693; [1999] 6 CLJ 23 [5.085]