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1. [Lembaga Kumpulan Wang Simpanan Pekerja v Tetuan K Sila Dass & Partners & Ors](#)
[\[2012\] MLJU 1029](#)

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LEMBAGA KUMPULAN WANG SIMPANAN PEKERJA v TETUAN K SILA
DASS & PARTNERS & ORS

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| [2012] MLJU 1029

**Lembaga Kumpulan Wang Simpanan Pekerja v Tetuan K Sila Dass &
Partners & Ors**
[2012] MLJU 1029

Malayan Law Journal Unreported

HIGH COURT (KUALA LUMPUR)

HAMID SULTAN J

SUIT NO 11A-56-04 OF 2012

10 October 2012

Fadzlin bt Mohd Yunos (Azrul Afifi & Azuan) for the appellant.

Geetha a/p Supramania (Supramaniam & Sivahshanmugam) for the respondents.

Hamid Sultan J:

JUDGMENT

[1] This is my judgment in respect of the appellant/plaintiffs appeal against the decision of the learned magistrate who allowed the defendants' application to strike out the plaintiffs claim pursuant to *Order 14 rule 21(1)(b)* and/or (d) of the Subordinate Courts Rules 1980.

[2] In the instant case, it is not in dispute that the plaintiff has various claims for different periods in respect of EPF contributions. It is the contention of the defendants that all claims for contribution must be crystallised in one action. And argues that the plaintiff by splitting the claim is in breach of [Section 68](#) of the *Subordinate Courts Act 1948* which reads as follows:

"Claims may not be split, nor more than one action or suit of a civil nature brought in respect of the same cause of action against the same party."

[3] It is the plaintiffs argument that each and every assessment period of the outstanding EPF contribution gives rise to a new and separate cause of action.

[4] The cases parties have relied on are set out in the annexure to the judgment.

....

[5] I agree with the learned counsel for the appellant that each and every default may give rise to a separate cause of action. When a claim on each default is split then only [Section 68](#) will apply, i.e. when the cause of action is split. In the instant case, there is nothing prohibiting the plaintiff from filing an action separately for each and every default on a monthly basis though it is not often done.

[6] For reason stated above, it is not a fit and proper case for the matter to be struck out. The judgment of the learned magistrate dated 20.2.2012 is set aside with costs. The defendants to pay the plaintiff costs in the sum of RM2,000.00. The plaintiff to pay allocatur before the extraction of order for costs, and the deputy registrar to issue certificate for the allocatur.

I hereby order so.

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