

H0272101 WA1319532006 18/11/2019 13:20:52

DALAM MAHKAMAH RAYUAN, MALAYSIA

(BIDANGKUASA RAYUAN)

TSN116.....1,000.00 x 1

Sumlah Rayuan *****1,000.00

RAYUAN SIVIL NO. 2019

ANTARA

GOLDEN PALM GROWERS BERHAD
(No Syarikat.: 762196-T)

PERAYU

DAN

1. **MTRUSTEE BERHAD**
(No Syarikat.: 163032-V)

2. **LING NGONG HIANG**
(No. K/P: 440920-08-6089)
(dalam kapasitinya sendiri dan juga
sebagai Wakil bagi pihak Penanam-
Penanam)

3. **COMPANIES COMMISSION OF MALAYSIA**

**RESPONDEN-
RESPONDEN**

(Di dalam perkara Mahkamah Tinggi Kuala Lumpur

(Bahagian Dagang)

Saman Pemula No. WA-24NCC-369-07/2019

Dalam perkara Golden Palm
Growers Berhad;

DAN

Dalam perkara Skim Golden Palm
Growers Scheme dan Prospektus
(yang ditubuhkan menurut Division
5 Part IV Akta Syarikat, 1965 (Akta
125));

DAN

Dalam perkara Surat Ikatan
Amanah bertarikh 26.7.2010
antara Golden Palm Growers
Berhad dan MTrustee Berhad;

DAN

Dalam perkara Perjanjian
Pengurusan Penanam;

DAN

Dalam perkara Resolusi bertarikh
2.10.2017;

DAN

Dalam perkara Seksyen-Seksyen
62 hingga 67 Akta Skim
Kepentingan 2016;

DAN

Dalam perkara Aturan-aturan 7 &
28 Kaedah-kaedah Mahkamah
2012

Antara

Golden Palm Growers Berhad
(No Syarikat.: 762196-T)

Plaintif

Dan

1. Mtrustee Berhad
(No Syarikat.: 163032-V)

Defendan

2. Ling Ngong Hiang
(No. K/P: 440920-08-6089)
(dalam kapasitinya sendiri dan
juga sebagai Wakil bagi pihak
Penanam-Penanam)

Defendan / Pencelah

3. Companies Commission of Malaysia

Defendan / Pencelah

diputuskan oleh Suruhanjaya Kehakiman Tuan Ong Chee Kwan di
Kuala Lumpur pada 11 haribulan November 2019)

NOTIS RAYUAN

AMBIL PERHATIAN bahawa Golden Palm Growers Berhad, Perayu yang dinamakan di atas, yang tidak berpuas hati dengan sebahagian daripada keputusan Pesuruhjaya Kehakiman Tuan Ong Chee Kwan yang diberikan di Mahkamah Tinggi di Kuala Lumpur pada 11 November 2019 dalam perkara di bawah Mahkamah Tinggi Malaya di Kuala Lumpur Saman Pemula No. WA-24NCC-369-07/2019, merayu kepada Mahkamah Rayuan hanya terhadap bahagian keputusan yang:-

(1) memutuskan bahawa:-

S/N g5mksHWHk28Vjev45Xuw

**Note : Serial number will be used to verify the originality of this document via eFILING portal

- (a) Resolusi Penanam pada 2.10.2017 telah luput dan tidak lagi mempunyai sebarang kesan dan/atau Resolusi itu terbatal dan tidak sah;
 - (b) Skim Golden Palm Growers tidak ditutup dan/atau ditamatkan pada 2.10.2017;
- (2) mengawadkan kos sebanyak RM50,000.00 kepada Responden Ke-2.

Bertarikh 18 November 2019



.....
Sreenevasan Young
Peguamcara Perayu

Kepada:-

- 1. Pendaftar
Mahkamah Tinggi Malaya di Kuala Lumpur
(Bahagian Dagang)
- 2. Pendaftar
Mahkamah Rayuan, Malaysia
di Putrajaya
- 3. Responden Pertama dan/atau Peguam
Masleena, Yee & Partners
Peguam cara Defendan Pertama
Suite B-10-3A, Corporate Suites
Gateway Kiaramas
No.1 Jalan Desa Kiara
Mont' Kiara
50480 Kuala Lumpur
(Ruj.: MY/MH/LIT/MTB/520.19)
- 4. Responden Ke-2 dan/atau Peguam
Lee Ling & Partners
No. 3-02 Seri Bukit Ceylon
No. 8, Lorong Ceylon
Off Jalan Raja Chulan
50250 Kuala Lumpur
(Ruj.: YTL/LNH/2500/2019)
- 5. Responden ke-3
Menara SSM @ Sentral
No. 7 Jalan Stesen Sentral 5
Kuala Lumpur Sentral
50470 Kuala Lumpur



NURDIYANAH BINTI MOHD NAWAWI
Penolong Kanan Pendaftar
Mahkamah Tinggi Malaya
Kuala Lumpur

Notis Rayuan ini difailkan oleh **Sreenevasan Young**, peguamcara bagi pihak Perayu yang dinamakan di atas dengan alamat penyampaian di J-3A-13 Solaris Mont Kiara, No. 2 Jalan Solaris, 50480 Kuala Lumpur.

Tel.: 03 6209 1968

Fax: 03 6209 1978

Ref.: SY.1396

TERJEMAHAN

S/N g5mksHWhk28Vjevm45Xuw

**Note : Serial number will be used to verify the originality of this document via eFILING portal

IN THE COURT OF APPEAL, MALAYSIA
(APPELLATE JURISDICTION)

CIVIL APPEAL NO. 2019

BETWEEN

GOLDEN PALM GROWERS BERHAD
(Company No.: 762196-T)

APPELLANT

AND

1. **MTRUSTEE BERHAD**
(Company No.: 163032-V)

2. **LING NGONG HIANG**
(I/C No. 440920-08-6089)
(suing in his own capacity and also
as Representative of the Growers)

3. **COMPANIES COMMISSION OF MALAYSIA**

RESPONDENTS

(In the matter of the High Court of Malaya at Kuala Lumpur

(Commercial Division)

Originating Summons No. WA-24NCC-369-07/2019

In the matter of Golden Palm
Growers Berhad;

AND

In the matter of Golden Palm
Growers Scheme and Prospectus
(established pursuant to Division 5
of Part IV of Companies Act, 1965
(Act 125));

AND

In the matter of Trust Deed dated
26.7.2010 between Golden Palm
Growers Berhad and MTrustee
Berhad;

AND

In the matter of Grower's
Management Agreement;

AND

In the matter of Resolution dated
2.10.2017;

AND

In the matter of Sections 62 to 67
of the Interest Schemes Act 2016;

AND

In the matter of Orders 7 & 28,
Rules of Court 2012

Between

Golden Palm Growers Berhad
(Company No. 762196-T)

Plaintiff

And

1. Mtrustee Berhad
(No. Syarikat: 163032-V)

Defendant

2. Ling Ngong Hiang
(NRIC. No.: 440920-08-6089)
(in his own capacity and as
Representative of the Growers)

Defendant / Intervener

3. Companies Commission Of Malaysia

Defendant / Intervener

decided by the Judicial Commissioner Tuan Ong Chee Kwan at Kuala
Lumpur on 11 November 2019)

NOTICE OF APPEAL

TAKE NOTICE that Golden Palm Growers Berhad, the Appellant abovenamed, being dissatisfied with part of the decision of the Judicial Commissioner Tuan Ong Chee Kwan given at the High Court of Malaya at Kuala Lumpur on 11 November 2019 in the matter under High Court of Malaya at Kuala Lumpur Originating Summons No. WA-24NCC-369-07/2019, appeals to the Court of Appeal only against that part of the said decision:-

(1) in finding that:-

(a) the Resolution of the Growers on 2.10.2017 had lapsed and was no longer of any effect and/or that the said Resolution is null and void;

- (b) the Golden Palm Growers Scheme was not closed and/or terminated on 2.10.2017;
- (2) in awarding costs of RM50,000.00 to the 2nd Respondent.

Dated 18 November 2019



.....
Sreenevasan Young
Solicitors for the Appellant

To:-

1. The Registrar
High Court of Malaya at Kuala Lumpur
(Civil Division)
2. The Registrar
Court of Appeal, Malaysia
at Putrajaya
3. The 1st Respondent and/or its solicitors
Masleena, Yee & Partners
Solicitors for the 1st Defendant
Suite B-10-3A, Corporate Suites
Gateway Kiaramas
No.1 Jalan Desa Kiara
Mont' Kiara
50480 Kuala Lumpur
(Ref.: MY/MH/LIT/MTB/520.19)
4. The 2nd Respondent and/or its solicitors
Lee Ling & Partners
No. 3-02 Seri Bukit Ceylon
No. 8, Lorong Ceylon
Off Jalan Raja Chulan
50250 Kuala Lumpur
(Ref.: YTL/LNH/2500/2019)
5. The 3rd Respondent
Menara SSM @ Sentral
No. 7 Jalan Stesen Sentral 5
Kuala Lumpur Sentral
50470 Kuala Lumpur

This **NOTICE OF APPEAL** is filed by Sreenevasan *Young*, solicitors for the Appellant abovenamed, whose address for service is at J-3A-13 Solaris Mont Kiara, No. 2 Jalan Solaris, 50480 Kuala Lumpur.

Tel.: 03 6209 1968

Fax: 03 6209 1978

Ref.: SY.1396

1396/OS-396Appeal/Notice-Appeal