

**THE HIGH COURT OF MALAYA IN SHAH ALAM
IN THE STATE OF SELANGOR DARUL EHSAN, MALAYSIA
CIVIL SUIT NO.: BA-22NCvC-156-04/2021**

BETWEEN

**CENTRAL SUGAR REFINERY SDN BHD
(COMPANY NO. : 99042-W)**

... PLAINTIFF

AND

**HOLSTEN MARKETING (M) SDN BHD
(COMPANY NO. : 680066-W)**

... DEFENDAN

**GROUND OF JUDGEMENT
(After Full Trial)**

Introduction

1. This is trial of the Defendant/Holsten's counterclaims after this Court previously granted summary judgment on 4.1.2022 to the Plaintiff for the unpaid value of sugar sold in the amount of RM1,255,125.00. The execution of the entire judgment sum was stayed pending the trial of the Defendant's counterclaims. There is no appeal against the summary judgment dated 4.1.2022. [see the Summary Judgement dated 4.1.2022 in Enclosure 37]
2. When granting the summary judgment with stay, this Court pursuant to O.34 of ROC 2012 also directed that the counterclaims be tried on the following main issues:



- (1) export sugar.
 - (2) The Plaintiff/CSR was not in breach of any supply obligation in the circumstances of the present case.
 - (3) In the circumstances, Holsten has not specifically proved its counterclaim for special damages in respect of the export sugar.
3. In conclusion, this Court dismisses the Defendant/Holsten's counterclaims with costs.
 4. After hearing the further submissions of the parties' respective counsel on quantum of costs, costs of the counterclaim action are assessed at RM80,000, subject to allocator, and shall be payable by the Defendant/Holsten to the Plaintiff/CSR.

Dated this : 3rd January 2024

Signed

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TEE GEOK HOCK
JUDGE
HIGH COURT OF MALAYA AT SHAH ALAM
(NCVC 10)



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To the parties' solicitors:

1. For the Plaintiff : Suaran Singh & Chow Xing Hui
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(Kuala Lumpur)

2. For the Defendant : Sivashankar
Messrs R Kengadharan & Co.
(Petaling Jaya)



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