



PKPMP.PKHN.600-3/3/1  
17 December 2021

All Judges  
Federal Court

All Judges  
Court of Appeal

All High Court Judges / Judicial Commissioners  
High Courts of Malaya / High Courts of Sabah and Sarawak

All Sessions Court Judges  
Sessions Courts throughout Malaysia

All Deputy Registrars / Senior Assistant Registrars  
Federal Court / Court of Appeal /  
High Court of Malaya / High Court of Sabah and Sarawak

All Magistrates  
Magistrates' Courts throughout Malaysia

All Senior Assistant Registrars / Assistant Registrars  
Subordinate Courts throughout Malaysia

**PRACTICE DIRECTION OF THE CHIEF JUSTICE  
NUMBER 1 YEAR 2022  
GUIDELINES FOR FILING ORDERS AND JUDGMENTS IN  
PROCEEDINGS IN COURTS THROUGHOUT MALAYSIA**

IN exercise of the powers conferred by Order 92 Rule 3B(1) of the Rules of Court 2012 [P.U.(A) 205/2012] (ROC 2012) read together with Rule 3 of the Rules of the Federal Court 1995 [P.U.(A) 376/1995] and Rule 4 of the Court of Appeal Rules 1994 [P.U.(A) 524/1994] I, after consultation

with the Rt. Hon. the President of the Court of Appeal, the Rt. Hon. the Chief Judge of the High Court of Malaya and the Rt. Hon. the Chief Judge of the High Court of Sabah and Sarawak, issue this Practice Direction to update and set matters and procedures on the preparation of orders and judgments issued by the Court as follows:

## **APPLICATION**

2. This Practice Direction—

- (a) applies to orders and judgments in civil proceedings made by the Courts throughout Malaysia; and
- (b) shall be read together with Order 42 and Order 45 Rule 7(4) of ROC 2012.

## **INTERPRETATION**

3. In this Practice Direction, unless the context otherwise requires—

“Judge” refers to a Judge of the Federal Court, Judge of the Court of Appeal, Judge of the High Court, Judicial Commissioner, Sessions Court Judge or Magistrate, as the case may be;

“Court” refers to the Federal Court, the Court of Appeal, the High Court of Malaya, the High Court of Sabah and Sarawak, the Sessions Court or the Magistrate Court, as the case may be, throughout Malaysia;

“e-Kehakiman system” means any electronic application developed by the Office of the Chief Registrar of the Federal Court for the matters and proceedings of the Court;

“parties” refers to any party in a proceeding or counsel for such parties.

## **GUIDELINES FOR THE FILING OF ORDERS AND JUDGMENTS**

### **A. Draft Order or Draft Judgment**

4. In order for the Court to approve a draft order or draft judgment (“draft”), the parties shall ensure compliance with the following matters:

- (a) the draft shall be filed through the e-Kehakiman system;
- (b) the content of the draft shall be correct as ordered by the Court;
- (c) for an order or judgment requiring—
  - (i) a person or a body corporate to do an act within a certain time;
  - (ii) a person to abstain from doing an act; or
  - (iii) a body corporate to commit or abstain from committing the act, but is required to take enforcement proceedings against

a director or other officer in accordance with that arrangement,

notice as in Form 83 of ROC 2012 shall be included in the draft;

- (d) the draft shall be signed by the parties in the proceedings;
- (e) for drafts that are not signed by one of the parties, a notification letter explaining the following matters shall be filed together with the draft:
  - (i) the draft had been presented to the party who did not sign it; and
  - (ii) the draft was not signed by the party receiving it as specified in paragraph 4(e)(i) after the expiry of 48 hours from the draft being presented to him; and
- (f) the draft allocatur certificate is filed through the e-Kehakiman system.

5. The appointment date for explanation or clarification in relation to any draft in issue by the parties will be set through the e-Kehakiman system based on the following circumstances:

- (a) for drafts that have not been filed, the parties have submitted a notification letter to obtain an appointment date through the e-Kehakiman system; or

(b) for drafts that have been filed based on paragraph 4(e), the party that did not sign the draft has submitted a letter of objection in writing to the Court.

6. For the purposes of paragraph 5, the time period for setting the appointment date is as follows:

No.	Types of order	Time Period To Set Appointment Dates
(a)	orders made by Judges of the Federal Court, Court of Appeal and High Court	<p>(i) the appointment date before the Deputy Registrar / Senior Assistant Registrar shall be fixed no later than 4 working days from the date the parties submit a letter of notification to fix the appointment date as specified in paragraph 5(a) or from the date the parties submit a letter of objection as in paragraph 5(b);</p> <p>(ii) for draft orders that cannot be completed by the Deputy Registrar / Senior Assistant Registrar, the appointment date before the Judge is based on the instructions of the Judge concerned.</p>
(b)	orders made by a Sessions Court Judge or Magistrate	the appointment date shall be fixed no later than 4 working days from the date the parties submit a notification letter to

No.	Types of order	Time Period To Set Appointment Dates
		set the appointment date as stated in paragraph 5(a) or from the date the parties submit a letter of objection as in paragraph 5(b).
(c)	orders made by the Deputy Registrar or Senior Assistant Registrar	the appointment date shall be fixed no later than 4 working days from the date the parties submit a notification letter to set the appointment date as stated in paragraph 5(a) or from the date the party submits a letter of objection as in paragraph 5(b).

7. The time period for the parties to get the approved draft is as follows:

No.	Types of Draft	Time Period
(a)	all types of drafts except drafts that require explanation or clarification	within 4 working days from the date of filing the draft order in the e-Kehakiman system.
(b)	drafts that require explanation or clarification	any period notified by the Court during the explanation or clarification session. The period shall not exceed 14 days from the date of the explanation or clarification session.

8. For any draft that is in issue, the parties shall take action as follows:

No.	Issue	Action
(a)	draft is still not approved within the time period as specified in paragraph 7	The parties shall contact the relevant Deputy Registrar / Senior Assistant Registrar / Registrar of the Court in relation to the status of the draft order that has been filed
(b)	contents of the draft are disputed after the Court approves the draft	The parties shall obtain an appointment date for explanation or clarification from the Court
(c)	draft was not approved by the Court	The parties shall review the Court's notes on the draft made through the e-Kehakiman system and submit a new draft to the Court

B. Fair Order or Fair Judgment

9. The parties shall ensure that a fair Order or a fair Judgment ("Fair Order") can only be filed through the e-Kehakiman system after —

- (a) the draft is approved by the Court;

- (b) the content of the fair Order is the same as the draft approved by the Court;
- (c) the allocatur fee has been paid; and
- (d) the allocatur certificate has been filed.

10. Notwithstanding the provisions in paragraph 9, compliance with the provisions of paragraph 9(c) and (d) is exempted in the following circumstances:

- (a) there is an appeal in relation to the said Court Order; or
- (b) there is a Court Order directing the same.

11. The parties can obtain a fair Order issued by the Court within four (4) working days from the date the Order was filed.

11. The parties shall ensure that the fair Order issued by the Court has been completely sealed, dated and signed by the Sessions Court Judge / Magistrate / Deputy Registrar / Senior Assistant Registrar / Court Registrar concerned.

## **ORDER AND JUDGMENT FORMAT**

12. The parties shall ensure compliance with the format of the order or judgment as follows:

- (a) Heading of Order or Judgment —



- (i) the heading of the order or judgment shall be the same as the heading in the action filed;
  - (ii) the name of the state and Court where the order or judgment was obtained is correct;
  - (iii) for the High Court in Kuala Lumpur or any Court that has separate Divisions, the description of the Division shall be stated whether it is a Civil Division, a Commercial Division, a Family Division, a Special Powers Division, and etc.;
  - (iv) the type of action should be clearly stated, whether it is a Writ, Petition, Originating Summons, Civil Application (Leave to Appeal) / Civil Application (Non-Leave to Appeal) / Appeal Order / Appeal Order / Order for Notice of Motion in Appeal and etc.;
- (b) intitulement, if any, shall be stated as in the original action;
- (c) parties —
- (i) the names of the parties involved in the proceedings shall be stated correctly; and
  - (ii) the spelling of the names of the parties involved in the proceedings shall be correct;

(d) Judge —

- (i) title of the Judge such as *Yang Arif, Datuk, Datin, Ir., Hj.* need not be specified; and
- (ii) the name of the Judge of the Federal Court / Judge of the Court of Appeal / Judge of the High Court / Judicial Commissioner / Sessions Court Judge / Deputy Registrar / Senior Assistant Registrar / Magistrate is as in the list published by the Office of the Chief Registrar of the Federal Court of Malaysia through the official website at the address [www.kehakiman.gov.my](http://www.kehakiman.gov.my) from time to time;

(e) Date of Order or Judgment —

- (i) the position of the date of the order or judgment is located on the left side of the order or judgment;
- (ii) the word “day” on the date need not be stated; and
- (iii) the month in which the order or judgment was obtained shall be spelled out in full for example “**July**”;

(f) Type of Proceeding —

- (i) the type of proceeding whether in “**Open Court**” or “**In Chambers**” shall be correctly stated;

- (ii) the type of proceeding is stated on the right side of the order or judgment; and
  - (iii) for proceedings conducted through a remote communication technology, the words **“on video conferencing platform via Zoom/ e-mail/ e-Review (or other application methods)”** shall be placed at the bottom of the words **“In Chambers”** or **“Open Court”**;
- (g) Application of the word Order or Judgment —
- (i) the parties shall ascertain whether the document filed is an order or a judgment;
  - (ii) the word “Order” shall be used for proceedings that use affidavits. The list of affidavits used in the proceedings need not be stated in the order; and
  - (iii) the word “Judgment” shall be used for a decision that has finalized an action;
- (h) the Enclosure number shall be placed under the heading of Order or Judgment.
- (i) the form of the order or judgment shall mainly be in accordance with Form 75 of ROC 2012;
- (j) the endorsement section of the party filing the order or judgment is below the signature of the Sessions Court Judge / Magistrate / Deputy Registrar / Senior Assistant Registrar / Registrar;

**EXAMPLE:**

IN THE (FEDERAL COURT/COURT OF APPEAL/HIGH COURT/SESSIONS  
COURT/MAGISTRATES' COURT)  
AT (LOCATION OF COURT)  
IN THE STATE OF (STATE OF THE COURT)  
PROCEEDINGS NO. (Example: WRIT NO: \_\_\_\_\_)

*[intitulement]*

**BEFORE / CORAM**  
**JUDGE / JUDICIAL COMMISSIONER**  
*(Name of Judge Without Title)*  
**ON [DATE (eg: 28 JULY 2021)]**

**IN CHAMBERS / OPEN**  
**COURT**  
**ON VIDEO CONFERENCING**  
**PLATFORM VIA ZOOM/**  
**e-REVIEW/ E-MAIL**

**JUDGMENT / ORDER**  
**[CONTENT NO.]**

*[content of order]*

Date .....

.....  
Sessions Court Judge / Magistrate /  
Deputy Registrar / Senior Assistant Registrar /  
Registrar

This Order / Judgment is filed by Messrs. ...., Advocate / Solicitor Plaintiff /  
Applicant / Defendant / Respondent at the address  
.....

(k) confirmation by the parties of the draft order or judgment, is located below the endorsement section;

**EXAMPLE:**

..... Sessions Court Judge / Magistrate / Deputy Registrar / Senior Assistant Registrar / Registrar
This Draft Order / Judgment is filed by Messrs ....., Advocate / Solicitor Plaintiff / Applicant / Defendant / Respondent at the address .....
For approval,
..... Solicitor Plaintiff / Applicant
..... Advocate Defendant / Respondent

- (l) endorsement of an amendment and endorsement of an extension of time shall be located on the top right corner of the front page.

**EXAMPLE:**

<b>Amended According to Court Order dated .....</b>
.....
<b>Dated on .....</b>
.....
Sessions Court Judge / Magistrate / Deputy Registrar / Senior Assistant Registrar / Registrar
<b>IN THE (FEDERAL COURT/ COURT OF APPEAL/ HIGH COURT/ SESSIONS COURT/MAGISTRATES' COURT) AT (LOCATION OF COURT) IN THE STATE OF (STATE OF THE COURT) PROCEEDINGS NO. (Example: WRIT NO: _____)</b>

13. For any Order or Judgment made by the Judge at a location that is different from the location of the filing of proceedings:

- (a) the heading of the order or judgment shall be the same as the heading in the filed action; and

- (b) the location of the Court making the order or judgment shall be stated in the content of the order.

**EXAMPLE:**

<p><b>IN THE HIGH COURT OF MALAYA/ SABAH AND SARAWAK AT <u>(LOCATION OF COURT OF THE ORIGINAL ACTION)</u> IN THE STATE OF <u>(STATE OF THE COURT)</u> PETITION FOR ACCEPTANCE NO: _____)</b></p>	
<p><b><u>BEFORE</u> <u>JUDGE / JUDICIAL COMMISSIONER</u></b></p>	
<p><u>Name of Judge (Without Title)</u> <b><u>ON [DATE (eg: 28 July 2021)]</u></b></p>	
	<p><b><u>IN CHAMBERS / OPEN</u> <u>COURT</u> <u>ON VIDEO CONFERENCING</u> <u>PLATFORM VIA ZOOM/</u> <u>e-REVIEW/ E-MAIL</u></b></p>
<p><b><u>ORDER / JUDGMENT</u></b></p>	
<p>THIS PETITION was heard today at the High Court (<b>State location of the Court that heard the petition for acceptance</b>), in the presence of .....</p>	

## **EXCEPTIONS**

15. Any matter and process of filing drafts and fair Orders for cases filed before the application of the e-Kehakiman system are done manually.

## **REVOCATION**

15. The following circular and provisions are revoked:

- (a) Chief Registrar Circular No. 4/2010;
- (b) Paragraphs 20, 21, 22, 23, 24, 25, 26 and 27 of the Federal Court Practice Direction No. 1 Year 2018 along with the related Appendices; and
- (c) Part VI of the Court of Appeal Practice Directions No. 1 Year 2017 along with the related Appendices.

## **DATE OF COMMENCEMENT**

16. This Practice Direction comes into operation on **03 January 2022**.

**Sgd.**

**TUN TENGKU MAIMUN BINTI TUAN MAT**

Chief Justice of Malaysia

Palace of Justice

Putrajaya