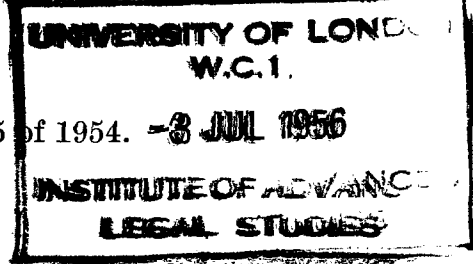


9, 1955

C.M.H. G. 2.



# In the Privy Council.

43527

## ON APPEAL

FROM THE SUPREME COURT OF THE FEDERATION OF MALAYA. IN THE HIGH COURT AT KUALA LUMPUR

BETWEEN

R. P. S. RAJASOORIA . . . . . *Appellant*

AND

DISCIPLINARY COMMITTEE . . . . . *Respondent.*

10

## Case for the Respondent.

RECORD.

1. This is an appeal, by leave of the Court of Appeal of the Federation of Malaya, from an order made on the 27th day of August, 1953, by three Judges of the Supreme Court of the said Federation that the Appellant, an Advocate and Solicitor of the said Supreme Court, should be suspended from practice for a period of six months.

p. 22.  
p. 21.

2. The grounds on which the said order was made were that the Appellant had been guilty of grossly improper conduct in the discharge of his professional duty under section 26 (2) (b) of the Advocates and Solicitors Ordinance, 1947 (No. 4 of 1947).

Annexe A hereto.

20

3. The facts were that the Appellant carried on his practice as an Advocate and Solicitor in Kuala Lumpur in the said Federation. At some time at or about the beginning of June, 1952, the Appellant was instructed to act on behalf of certain shareholders of a Company known as The Foh Hup Omnibus Company (hereinafter referred to as "the Company"). These shareholders being dissatisfied with the conduct of the Annual General Meeting of the Company held on the 2nd June, 1952, desired to call an Extraordinary General Meeting of the Company to remove the Directors and Secretaries of the Company and replace them by their own nominees. For this purpose the said shareholders had prepared and signed a Requisition for an Extraordinary General Meeting of the Company which was handed to the Appellant on some date between

30

the said 2nd June and the 10th June. This Requisition (which is hereinafter referred to as "Document 'A'") was in three sheets. The headings of each sheet were identical and read as follows.

" REQUISITION FOR EXTRAORDINARY GENERAL MEETING OF FOH  
HUP OMNIBUS Co. LTD.

" We the undersigned Shareholders of the above Company  
" call for an Extraordinary General Meeting under By-Law 43 of  
" Memorandum and Articles of Association of this Company to  
" protest against the unconstitutional manner in which the General  
" Meeting on 2nd June, 1952, was held and to pass a vote of no 10  
" confidence on the Secretaries, Messrs. Lim Tam Chong & Company  
" and the Directors holding office at present and to hold a General  
" Meeting constitutionally for election of office bearers."

Below this on each sheet there appeared the signatures or marks of some of the shareholders totalling 90 signatures or marks, on all three sheets.

p. 6, ll. 26-28.

Annexe B hereto.

p. 7, ll. 9-10.

4. On the 10th June, 1952, the Appellant showed Document 'A' to the Registrar of Companies of the Supreme Court at Kuala Lumpur. The Registrar referred the Appellant to the statutory provisions of section 115 of the Companies Ordinance, 1940, relating to the requisition by shareholders of Extraordinary General Meetings and advised him that 20 his clients should decide on the persons who they desired to take the place of the Directors and Secretaries of the Company. As a result of this conversation the Appellant came to the conclusion that Document 'A' was not in a form suitable for his client's purposes.

p. 6, ll. 29-33.

Exhibits F and G,  
p. 24.

Exhibit C (1), p. 25.

Exhibit C (2),  
pp. 25-26.

5. The Appellant then obtained from his clients the names of the Directors and Secretaries whom they desired to be appointed and on the 16th June the Appellant wrote to the Company asking for a copy of the Minutes of the said Meeting of the 2nd June, 1952, and stating that when these were received he would send the Company a formal requisition for an Extraordinary General Meeting signed by 90 shareholders. By letter dated 30 the 17th June the Company's Solicitors replied to the Appellant saying that the Company would comply with any proper notice of requisition and asking the Appellant to make sure that the notice contained the resolutions to be put to the meeting.

6. On the 5th August, 1952, the Appellant wrote to the Company a letter (hereinafter referred to as "C (5)") in the following terms:—

" Dear Sirs,

Exhibit C (5), p. 28.

" I have been instructed by 90 shareholders of the Foh Hup  
" Omnibus Co., Ltd., to forward a copy of a signed Requisition for  
" an Extraordinary General Meeting of the said Company be held 40  
" at its office at No. 38 Pudu Road, Kuala Lumpur.

" You may have inspection of the said requisition at the  
" office of the Registrar of Companies to whom I am forwarding  
" the original list."

The Appellant enclosed with the above letter a document (hereinafter referred to as "Document C (4)") the contents of which were as follows :—

" Kong Sin Kee and 89 other Shareholders,  
 " Foh Hup Omnibus Co. Ltd.,  
 " c/o No. 1, Main Street,  
 " Kajang.

" July, 1952.

10 " Messrs. Lim Tam Chong & Co.,  
 " Secretaries, Foh Hup Omnibus Co. Ltd.  
 " Kuala Lumpur.

" Pursuant of Articles No. 43 of the Company's Articles of  
 " Association, we the undersigned 90 shareholders of the Foh Hup  
 " Omnibus Company Limited do hereby give notice to call an  
 " Extraordinary General Meeting to be held at the Office of the  
 " Company at No. 38, Pudu Road, Kuala Lumpur, within 21 days  
 " from the date of this Requisition to consider and pass the following  
 " Resolutions :—

20 " 1. To remove the present Board of Directors who were  
 " appointed at the General Meeting held on the 2nd June, 1952.

" 2. To appoint a Board of Directors consisting of the  
 " following persons, i.e.,

" Messrs. Ee Yeong Seng (Serenban)  
 " Karam Singh ( do. )  
 " Tan Eng Hor (Kajang)  
 " Kong Seng Kee ( do. )  
 " Phoomie ( do. )  
 " Wong Siak (Kuala Lumpur)  
 " Yap Sang ( do. )

30 " 3. To appoint a Sub-Committee to inquire into and  
 " investigate the irregularities alleged against the present Board  
 " and report thereon to the New Board.

" 4. To remove Messrs. Lim Tam Chong & Company from  
 " the office of Secretaries to the Company and to replace them  
 " by Messrs. Poo Sze Sam & Co. of No. 3 Market Street, Kuala  
 " Lumpur.

" (Signed) KONG SIN KEE AND 89 OTHER  
 " SHAREHOLDERS,

40 " FOH HUP OMNIBUS Co., LTD.  
 " (owning between them share  
 " i.e. not less than one-tenth of  
 " the issued capital of the  
 " Company)."

From the contents of Document C (4) and of the above letter (C (5)) it is submitted that the Appellant clearly intended to convey to the Company

p. 6, l. 34. that there was in existence a Requisition signed by 90 shareholders in the form of Document C (4) and that he was sending the original of this Document to the Registrar of the Company. In fact there was no requisition signed by the said Shareholders in the form of Document C (4). Document C (4) was simply a document which the Appellant had himself caused to be prepared. The only requisition signed by the said shareholders in the Appellant's possession was Document 'A' set out in Paragraph 3 hereof and in fact the Appellant sent Document 'A' together with a copy of the letter C (5) to the Registrar of Companies.

Exhibit C (6), p. 29. 7. By letter dated the 8th August, 1952, the Registrar's office 10 returned Document 'A' to the Appellant and told him that under the provisions of the Companies Ordinance, 1940 (to which as stated in paragraph 4 above the Appellant had already been referred by the Registrar this Document should be send to the Company. As a result of this letter and of a telephone conversation between the Appellant and the Secretary of the Company, the Appellant on the 11th day of August, 1952, sent Exhibit C (7), p. 29. Document 'A' to the Company with a letter stating that he had previously sent Document 'A' to the Registrar "by mistake."

8. On the 20th August the Company's Solicitors wrote to the Appellant pointing out the discrepancy between the contents of 20 Document C (4) and Document 'A' and stating that the Company would convene a meeting in accordance with the requisition in Document 'A' but pointing out that as no coherent resolutions were specified in Document 'A' the value of the meeting to the Appellant's clients might be slight. The Solicitors suggested that the Appellant might prefer to withdraw Document 'A' and deposit with the Company in its place the original of Document C (4) (which, as explained in paragraph 6 above, did not exist).

9. By letter dated the 22nd August the Appellant replied to the Company's Solicitors as follows :— 30

Exhibit C (10), p. 31.

" Dear Sirs,

" Re : Foh Hup Omnibus Co., Ltd.

" Your letter of the 20th instant to hand.

" I was instructed by 90 shareholders of the Foh Hup Omnibus  
 " Co. to requisition a meeting under Section 115 (2) of the Companies  
 " Ordinance, 1940. I interviewed the Registrar of Companies and  
 " showed him the original Requisition with signatures. The signed  
 " documents containing the 24, 29 and 37 shareholders respectively  
 " is I agree rather incoherent. It was never intended that the  
 " Extraordinary Meeting be called on those resolutions. I sent a 40  
 " copy of the resolution in prescribed form to the registered office  
 " of the Company concerned but overlooked enclosing the original  
 " signatures and forwarded them to the Registrar of Companies  
 " for reasons which are no doubt obvious to you. The motive  
 " for so doing were doubts in my clients' minds but not in mine.

“ The resolutions in my letter of the 5th instant is to be the basis of the resolution and not what is contained in the documents containing the signatures. If this explanation and clarification is not sufficient may I request the return of all the documents and I shall get the signatures anew. This you will no doubt agree will be prolonging the ‘ agony ’ for all parties concerned.”

10. On the 25th August the Company’s Solicitors returned Document ‘ A ’ to the Appellant. However, before this document had left the custody of the Company the Secretary of the Company had made  
10 a photostatic copy of it. p. 5, l. 28.

11. On the 27th August the Appellant wrote to the Company stating that he was “ forwarding herewith a signed Requisition for an Extraordinary General Meeting of the Company by 90 shareholders for favour of necessary action.” The Appellant enclosed with this letter a Document (hereinafter referred to as “ Document ‘ B ’ ”) which on its face appeared to be a second original signed Requisition. Document ‘ B ’ contained three sheets. Each sheet contained a requisition word for word (save that the date had been changed from July to the 27th August) the same as the Requisition set out in Document C (4). Under this Requisition, instead  
20 of the typed signature in Document C (4), there had been pasted by the Appellant the part of each sheet of Document ‘ A ’ containing the original signatures of the shareholders. The impression given to a casual reader of Document ‘ B ’ would be that the said shareholders had on the 27th August, 1952, signed a requisition in the terms of Document C (4). Exhibit C (12), p. 33.  
Exhibit E (2-4),  
pp. 34-37.

12. On the 8th September, 1952, the Appellant wrote again to the Company complaining that they had not acknowledged his letter of the 27th August “ forwarding a signed Requisition for an Extraordinary General Meeting.” On the 13th September the Company issued a notice of an Extraordinary General Meeting to be held on the 11th October,  
30 1952, to consider the resolutions contained in Document ‘ B.’ Exhibit C (13), p. 38.  
Exhibit C (14), p. 38.

13. On the 26th September the Company’s Solicitors wrote to the Appellant pointing out that the signatures on Document ‘ B ’ appeared to have been cut off from some other documents, and asking the Appellant whether he was satisfied that all the persons had signed after the part containing their signatures had been pasted on to Document ‘ B.’ It was further pointed out that investigation had shown that certain of signatories were no longer members of the Company on the 27th August which as stated above was the date on the top of Document ‘ B.’ Exhibit C (16),  
pp. 40-41.

14. On the 29th September, the Appellant replied by letter which  
40 read :—

“ Dear Sirs,

“ Foh Hup Omnibus Co., Ltd.

“ Reference your letter of the 26th the signatures on the requisition were obtained after I was instructed to act and call for an Extraordinary Meeting. I saw the Registrar of Companies and showed him the original requisition. It was on his advice

Exhibit C (18), p. 41.

“ that the amended form of requisition was typed and attached  
 “ to the original documents. I am satisfied that each and every  
 “ signature appearing on the documents was affixed with the sole  
 “ purpose of requisitioning an Extraordinary Meeting.

“ If the present Directors and Secretary removed names of  
 “ certain shareholders it was obviously done to defeat the purpose  
 “ of those who are against the present regime in the Foh Hup  
 “ Omnibus Company and this is what my clients are fighting against  
 “ and are determined to expose.

“ I do not deign to reply or refer to the veiled threats contained 10  
 “ in your letter.

“ I am satisfied my clients are honest and above board in their  
 “ dealings being simple, hard-working men who have put their  
 “ whole life's savings into this Company. You will be well advised  
 “ to make sure that your clients come to the Meeting on the  
 “ 11th October, 1952, with hands and consciences clean.”

Exhibit C (19), p. 42.

15. On the 1st October, the Company's Solicitors wrote to the  
 Appellant :—

“ Dear Sir,

“ Foh Hup Omnibus Co., Ltd.

20

“ We thank you for your letter of the 29th ultimo.

“ We wish that there should be no misunderstanding about  
 “ this matter and we accordingly set out what we read in the  
 “ first paragraph of your letter as meaning, namely :—

“ (1) That a requisition convening an Extraordinary General  
 “ Meeting was prepared and signed.

“ (2) That it was decided to amend this requisition whereupon  
 “ a new form was prepared and the signatures to the old form  
 “ were detached from the old and attached to the new form.

“ (3) That this was done on the advice of the Registrar of 30  
 “ Companies.

“ We should be obliged if you would let us know if this is a  
 “ fair interpretation of the first paragraph of your letter and, if it  
 “ is, if you will let us know the name of the Registrar of Companies  
 “ who, you say, so advised you.

“ It would appear from the second paragraph of your letter  
 “ under reply that you have misunderstood the position.

“ The position is that on the date when the second requisition  
 “ purports to have been signed certain of the signatories were not  
 “ on the register of shareholders because they have transferred 40  
 “ their shares between the date of the second requisition and the  
 “ first requisition.

“ The explanation of this is clear if the interpretation which we  
 “ place on the first paragraph of your letter is correct.

“ The net result is that no one actually signed the current  
 “ requisition although an earlier requisition was signed.”

To this letter the Appellant made no reply.

16. On the 27th October the Company's Solicitors wrote to the Registrar of Companies enclosing copies of the letters set out in paragraphs 13, 14 and 15 above and Photostatic copies of Documents 'A' and 'B' and asking the Registrar whether he could confirm the Appellant's explanation, that it was on the advice of the Registrar that "the amended form of requisition was typed and attached to the original documents." Exhibit C (20), p. 43.

17. On the 29th October the Registrar replied that as far as he could trace his department had nothing to do with the second requisition (Document 'B') but that the first requisition (Document 'A') had been sent to the Department and returned to the Appellant on the 8th August. Exhibit C (21), p. 44.

18. On the 4th November the Company wrote to the Secretary of the Bar Committee of Selangor and Negri Sembilan setting out briefly the facts of the case and asking the Committee to investigate the matter. Exhibit C (22), pp. 44-45.

19. The Company's complaint was communicated by the Secretary of the Bar Committee to the Appellant on the 19th November and on the 11th December the Appellant replied to the Secretary by letter enclosing copies of the relevant correspondence and stating (*inter alia*):— Exhibit D, p. 46.

20 "It is only necessary for me to state that the so-called new resolution is an exact copy of the resolution sent originally to the Registrar of Companies and the Secretaries of the above bus company. . . . p. 46, ll. 18-20.

" . . . At no time did I state that the signatures were affixed on 27.8.52. The Solicitors of the Company were well aware at all times what the contents of the document to which the 90 signatories had affixed their signatures. p. 46, l. 35 to p. 47, l. 11.

30 "There was never any subterfuge practised by me or my clients. In fact, I was too punctilious in dating the document the 27th August and cutting out the original resolution which was incoherent and initialling it. A perusal of letters dated 20th August, from Messrs. Shearn, Delamore & Co. and mine of the 22nd August will show why this was done.

"Foh Hup Omnibus Co. and its Solicitors have deliberately tried to make out that I had attached a resolution to a document bearing the signatures of 90 shareholders which had been affixed by them to some mysterious resolution which was quite alien to their avowed demands in the resolution dated 27th August.

40 "I as a Solicitor am not expected to ensure that the signatories are all shareholders of the company. I carried out the instructions of my clients and forwarded their resolutions. If some signatories were not shareholders on 27.8.52 I was not aware and the company has its remedy. The Foh Hup Omnibus Co. and its Solicitors are drawing a red herring across the trail and playing at delaying tactics. . . ."

20. The Bar Committee examined the complaint and considering it necessary that there should be a full investigation thereof applied to the

Annexe A hereto.

p. 2, ll. 1-4.

Chief Justice to appoint a Disciplinary Committee to hear and investigate the complaint under section 27 of the Advocates and Solicitors Ordinance, 1947. On the 12th March, 1953, the Chief Justice appointed a Disciplinary Committee consisting of Mr. A. J. Bostock-Hill, Advocate and Solicitor, Kuala Lumpur, Chairman, Mr. K. K. Benjamin, Advocate and Solicitor, Kuala Lumpur; and Mr. Tan Teow Bok, Advocate and Solicitor, Kuala Lumpur, members.

pp. 1-8.

21. On the 7th May, 1953, the Disciplinary Committee held a hearing into the complaint. The Appellant was present and gave evidence. The documents referred to, and the facts set out, above were proved or 10 admitted.

pp. 4-6.

p. 5, ll. 8-12.

Evidence was given on behalf of the Company that four of the 90 signatories were not members of the Company on the 27th August, 1952, three of them having transferred their shares between 10th June and the 27th August, 1952. The Appellant gave the following explanations for his conduct :—

p. 6, l. 35.

(A) He said he had sent Document 'A' to the Registrar and not to the Company on the 5th August at the instance of some of his clients who were afraid that the Company would deliberately lose the original Document 'A' if it had been sent to them, and also 20 that the Directors and Secretaries of the Company would intimidate some of the signatories. The Appellant also said that he had sent Document 'A' to the Registrar because he (the Appellant) wanted the Registrar to see the original document. (In fact, the Appellant had already shown the Registrar the original Document 'A' on the 10th June.)

p. 7, ll. 1-3.

p. 6, l. 26.

p. 7, l. 32.

p. 8, l. 8.

p. 7, ll. 32-40.

p. 7, l. 17.

(B) The Appellant said that when he cut off the signatures from Document 'A' and pasted them on to Document 'B', he did not intend to deceive the Company and that he did it in the bona fide belief that he was doing nothing unprofessional, and that he himself 30 signed across the join. He had asked his clients whether they would get the signatures anew and had been told that it would take two months. (The signatures on Document 'A' had in fact clearly been collected in eight days between the 2nd and the 10th June.) He also said that his clients were becoming restive and that at various times he had as many as 45 or 50 of them in his office demanding immediate action. He was faced with unpleasantness in his office or petitions by his clients to the Bar Committee. Before sending Document 'B' he had asked his clients whether the 90 signatories were still shareholders and had been assured that they 40 were.

p. 7, ll. 22-28.

p. 7, l. 21.

p. 4, l. 5.

p. 4, l. 5.

(C) The Appellant said that when in the letter of the 29th September (set out in paragraph 14 above) he referred to the advice of the Registrar, he was not referring to advice that he (the Appellant) should cut off the signatures from Document 'A' and paste them on to Document 'B' because the Registrar had given him no such advice. The Appellant said that he was referring to the attaching of Document C (4) (set out in paragraph 6 above) to Document 'A' which the Appellant said he had done when he



sent Document ' A ' to the Registrar on the 5th August and enclosed with it and attached to it (as he alleged) a copy of Document C (4). This, the Appellant further alleged, he did on the advice of the Registrar. p. 4, l. 17.

(D) The Appellant said that he had not answered the letter of the 1st October (set out in paragraph 15 above) because he considered it insulting and did not feel that he was under any obligation to defend himself against such insults. Further at about that time his clients withdrew their instructions from him. p. 8, l. 14.

10 22. The Disciplinary Committee in their report dated 11th June, 1953, p. 9.  
divided the Company's complaint against the Appellant's conduct into two parts :—

(1) *Complaint No. 1.*—That the Appellant cut off the signatures from Document ' A ' and pasted them on Document ' B.'

(2) *Complaint No. 2.*—That the Appellant in his letter dated the 29th September, 1952, wrongly informed the Company's Solicitors that he had done the act complained of in (1) above on the advice of the Registrar of Companies.

20 23. The Disciplinary Committee in the course of their report said  
that they found the reasons given by the Appellant for sending Document ' A ' to the Registrar of Companies instead of to the Company (which have been summarised in paragraph 21 (A) above) " extremely unconvincing." Dealing with the Complaint No. 1 set out above, the Disciplinary Committee pointed out the danger and impropriety inherent in the procedure which the Appellant had, on his own admission, adopted and found that in his conduct he was guilty of grossly improper conduct as an Advocate and Solicitor, " but that he did not act with intention to deceive." As to Complaint No. 2, the Disciplinary Committee held that the letter of the 29th September was written with intention to justify his action which was the subject of Complaint No. 1 (namely the pasting of the signatures from Document ' A ' on to Document ' B ') and that this letter was " definitely intended to mislead." The Disciplinary Committee found that in writing the letter the Appellant was guilty of grossly improper conduct. p. 10, l. 2.  
p. 11, l. 14.  
p. 11, l. 24.  
p. 11, l. 27.  
p. 11, l. 30.  
p. 11, l. 31.

24. The Disciplinary Committee having found that the Appellant's conduct constituted due cause for Disciplinary Action under Section 26 of the Advocates and Solicitors Ordinance, 1947, duly applied to the High Court at Kuala Lumpur under Section 31 (1) and (2) of the said Ordinance, and on the 20th July, 1953, an order was made by the Acting Chief Justice (Pretheroe, J.) calling on the Appellant to show cause why an order should not be made against him under section 26 (1) of the said Ordinance. p. 11, l. 35.  
Annexe A hereto.  
p. 12.

25. On the 10th August, 1953, the Appellant appeared to show cause before three Judges of the said High Court (Pretheroe, J., Acting Chief Justice, Murray-Aynsley, C.J. Singapore, Briggs, J.). On the 27th August, 1953, the three Judges delivered separate judgments. All three Judges agreed with the findings of the Disciplinary Committee and the unanimous p. 16-20.

p. 21.

order of the Court was that the Appellant should be suspended from practice for a period of six months, and should pay to the Disciplinary Committee the sum of \$55/- hearing costs.

26. The Appellant applied for leave to appeal to Her Majesty in Council and on the 1st December, 1953, the Court of Appeal (Sir Charles Mathew, C.J., Brown, Ag. C.J., and Buhagiar, J.) granted the Appellant leave to appeal.

27. It is submitted there was evidence before the Disciplinary Committee on which they would come to the conclusion that the Appellant had been guilty of grossly improper conduct and that this decision, with 10 which the three Judges agreed, should not be disturbed.

28. The Respondent submits that this Appeal should be dismissed for the following (among other)

### REASONS

- (1) BECAUSE the Appellant was guilty of grossly improper conduct in the discharge of his professional duty under section 26 (2) (B) of the Advocates and Solicitors Ordinance, 1947, by reason of both or either of the matters complained of.
- (2) FOR the reasons given by the Disciplinary Committee. 20
- (3) FOR the reasons given by the three Judges of the High Court.

D. A. GRANT.

ANNEXE.

A.

ADVOCATES AND SOLICITORS ORDINANCE, 1947  
No. 4 OF 1947.

Advocates and  
Solicitors  
Ordinance, 1947.

*Section 26.*—(1) Every advocate and solicitor shall be subject to the control of the Court and shall be liable on due cause shown to have his admission revoked and to be struck off the roll of the Court or to be suspended from practice for any period not exceeding two years or to be censured.

10 (2) Such due cause may be shown by proof that such advocate and solicitor—

\* \* \* \* \*

(b) has been guilty of fraudulent or grossly improper conduct in the discharge of his professional duty . . .

*Section 27.* Any application by any person that an order be made under section 26 of this Ordinance (other than an application under sub-section (3) of that section) and any complaint of the conduct of an advocate and solicitor in his professional capacity shall in the first place be made to the appropriate Local Bar Committee who shall examine the application or complaint and, if they consider it necessary that there should be a full investigation of such application or complaint, shall apply in writing to the Chief Justice to appoint a Disciplinary Committee which shall hear and investigate such application or complaint. . . .

20

\* \* \* \* \*

*Section 29.* (1) After hearing and investigating any application or complaint under section 27 or section 28, the Disciplinary Committee shall record their findings in relation to the facts of the case and their opinion as to the conduct of the advocate and solicitor concerned and as to whether or not the facts of the case constitute due cause for disciplinary action under section 26 of this Ordinance.

30 (2) The findings and opinion of the Disciplinary Committee shall be drawn up in the form of a report of which a copy shall be forwarded to the Chief Justice and to the Bar Council and of which copies shall on request be supplied to the advocate and solicitor concerned and to the person who made the application or complaint.

(3) If the opinion of the Disciplinary Committee as so recorded is that due cause exists for disciplinary action under section 26 of this Ordinance, the Disciplinary Committee shall, without further directions, proceed to make application in accordance with the provisions of section 31.

\* \* \* \* \*

40 *Section 31.*—(1) An application for an order under section 26 of this Ordinance (other than an application under sub-section (3) of that section) shall be made by originating motion *ex parte* intituled “ In the matter of an Advocate and Solicitor,” for an order calling upon the advocate and solicitor concerned to show cause why an order should not be made under that section.

A.

Advocates and  
Solicitors  
Ordinance, 1947.

(2) An application under sub-section (1) of this section may be made to any Judge sitting in open Court.

(3) If an order to show cause is made, a copy of the affidavit or affidavits upon which the order was made shall be served with the order upon the practitioner named in the order.

\* \* \* \* \*

(7) The application to make absolute and the showing of cause consequent upon any order to show cause made under sub-sections (1) and (2) of this section shall be heard by a Court of three Judges of whom the Chief Justice shall be one and from the decision of that Court there shall be no appeal to any Court in the Malayan Union. For the purposes 10 of an appeal to His Majesty in Council, an order made under this sub-section shall be deemed to be an order of the Court of Appeal.

(8) The Judge who made the order to show cause shall not thereby be disqualified from sitting as a member of the Court of three Judges under sub-section (7) of this section.

\* \* \* \* \*

B.

Companies  
Ordinance, 1940.

B.

COMPANIES ORDINANCE, 1940

No. 49 OF 1940.

*Section 115.*—(1) The Directors of a Company, notwithstanding anything in its articles, shall, on the requisition of members of the company holding at the date of the deposit of the requisition not less than one-tenth of such of the paid-up capital of the company as at the date of the deposit carries the right of voting at general meetings of the company, or, in the case of a company not having a share capital, members of the company representing not less than one-tenth of the total voting rights of all the members having at the said date a right to vote at general meetings of the company, forthwith proceed duly to convene an extraordinary general meeting of the company. 20

(2) The requisition must state the objects of the meeting, and must be signed by the requisitionists and deposited at the registered office of the 30 company, and may consist of several documents in like form, each signed by one or more requisitionists.

\* \* \* \* \*

**In the Privy Council.**

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**ON APPEAL**

*from the Supreme Court of the Federation  
of Malaya. In the High Court at Kuala  
Lumpur.*

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**BETWEEN**

**R. P. S. RAJASOORIA . . . Appellant**

**AND**

**DISCIPLINARY COMMITTEE Respondent**

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**Case for the Respondent**

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**CHARLES RUSSELL & CO.,**

**37 Norfolk Street,**

**Strand, W.C.2,**

*Solicitors for the Respondent.*