

**DALAM MAHKAMAH PERSEKUTUAN MALAYSIA
(BIDANGKUASA RAYUAN)**

PERMOHONAN SIVIL NO. 08-149-2007 (P)

ANTARA

ABDUL GHAFFAR BIN MD. AMIN - PEMOHON

DAN

1. IBRAHIM B. YUSOFF - RESPONDEN
2. SAAYAH BTE ABDULLAH - RESPONDEN

KORAM:

**ABDUL HAMID MOHAMAD, CJ
ZAKI BIN TUN AZMI, PCA
ARIFIN BIN ZAKARIA, FCJ**

JUDGMENT OF ARIFIN BIN ZAKARIA, FCJ

As I have stated in *Cheng Bee Teik & Ors v. Peter a/l Selvaraj & Anor* (2005) 4 MLJ 301 and *Noraini bt. Omar (seorang isteri kepada simati, Ku Mansor bin Baharom, dan ibu kepada simati, Ku Amirul bin Ku Mansor) & Anor v. Rohani bin Said (and Another Appeal)* (2006) 3 AMR 185 that, as far as fatal accident and personal injury claims arising from motor vehicles accidents are concerned, the Court of Appeal stands as the apex court, as such no further appeal shall lie to this Court. (See s. 67(1) and s.

96(a) of the Courts of Judicature Act 1964.) That is the intention of the Legislature and it is incumbent upon this Court to give effect to it. When the law states that the decision of the Court of Appeal is final then the appeal process should stop at the Court of Appeal; it cannot be allowed to come to this Court by way of a review process under Rule 137 of the Rules of the Federal Court 1995. I, therefore, agree with the learned CJ that this application should be dismissed with costs.

Dated: 12th May 2008

(DATO' ARIFIN BIN ZAKARIA)
Federal Court Judge
Malaysia

Date of Hearing : 28.1.2008

Solicitors for the Appellant : Jagjit Singh and Santhana Dass
Messrs. Dass, Jainab & Associate
Advocates & Solicitors

Solicitors for the Respondent : Brijnandan Singh Bhar
Shailender Bhar, Natashar Bhar
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Advocates & Solicitors