

# Suit filed against Raghad by stepsons under Syariah Court jurisdiction, lawyer contends

**KUCHING:** The High Court here yesterday ordered lawyers of Toh Puan Datuk Patinggi Raghad Kurdi Taib to conduct a legal review on whether the civil suit filed against her by her stepsons could fall under the jurisdiction of the Syariah Court.

Judicial Commissioner Alexander Siew said the issue was not raised by the defendant as one of the grounds of the case, nor was it mentioned in the defence filed by the defendant.

This was after Raghad's lawyer Alvin Yong raised the pertinent matter on whether the civil court had jurisdiction over matters related to Syariah law.

"Based on our facts, shares in Cahya Mata Sarawak Berhad (CMSB) registered in the name of the late Laila Taib were registered during her marriage to Tun Abdul Taib Mahmud. As a result, these shares were acquired together with matrimonial property.

"This, consequently, falls within the exclusive jurisdiction of the Syariah Court, and this court should not entertain claims made by the plaintiffs (Dato Sri Sulaiman Abdul Rahman Taib and Datuk Seri Mahmud Abu Bekir Taib).

"The plaintiffs' action should, therefore, be dismissed because this court does not have jurisdiction over the matter," said Yong.

Raghad, the wife of former governor Taib, is being sued by



Yong (left) and Tan exit the courtroom chamber after the proceeding.

his sons Sulaiman and Bekir who are seeking a court injunction to halt the transfer of shares from CMSB to her.

Sulaiman and Bekir have named Raghad as the first defendant, and RHB Investment Bank Berhad as the second defendant.

Siew yesterday said the court deemed the issue raised as very significant and warranted further examination as it touched on jurisdiction.

"The lawyers are directed to review the law on whether jurisdiction lies with the Syariah

Court and not with this court, (and whether it) can be raised in the two applications to dismiss this case (especially) when this matter is not stated as one of the grounds or stated in the defence filed by the defendant," he said.

Lawyer Tan Kee Heng,

representing RHB Investment Bank, also contended that the plaintiffs lacked the necessary locus standi in the case due to several undisputed facts.

He said Sulaiman and Bekir are beneficiaries of the estate and not administrators or co-administrators of the estate.

"On the other hand, Tun Abdul Taib Mahmud is the estate administrator, but he is not involved in this lawsuit.

"The only party eligible to initiate any action regarding the estate is the executor of the estate, namely Tun Abdul Taib Mahmud – not the beneficiaries or any other party," he said.

Tan also raised the issue that the plaintiffs did not name other beneficiaries of the estate in the lawsuit, namely Taib and his two daughters.

"The plaintiffs cannot initiate a lawsuit without including other beneficiaries of the estate. The plaintiffs have not stated any reason as to why the other beneficiaries were not named as rightful beneficiaries of the estate," he said.

Apart from Yong, Raghad is also represented by Azlina Dahlan and Shirleen Ong.

Representing RHB Investment Bank together with Tan is Lesley Lynn Ling, while Sulaiman and Bekir are represented by Alvin Chong and Jonathan Tay.

The hearing will continue on March 14, 2023.