

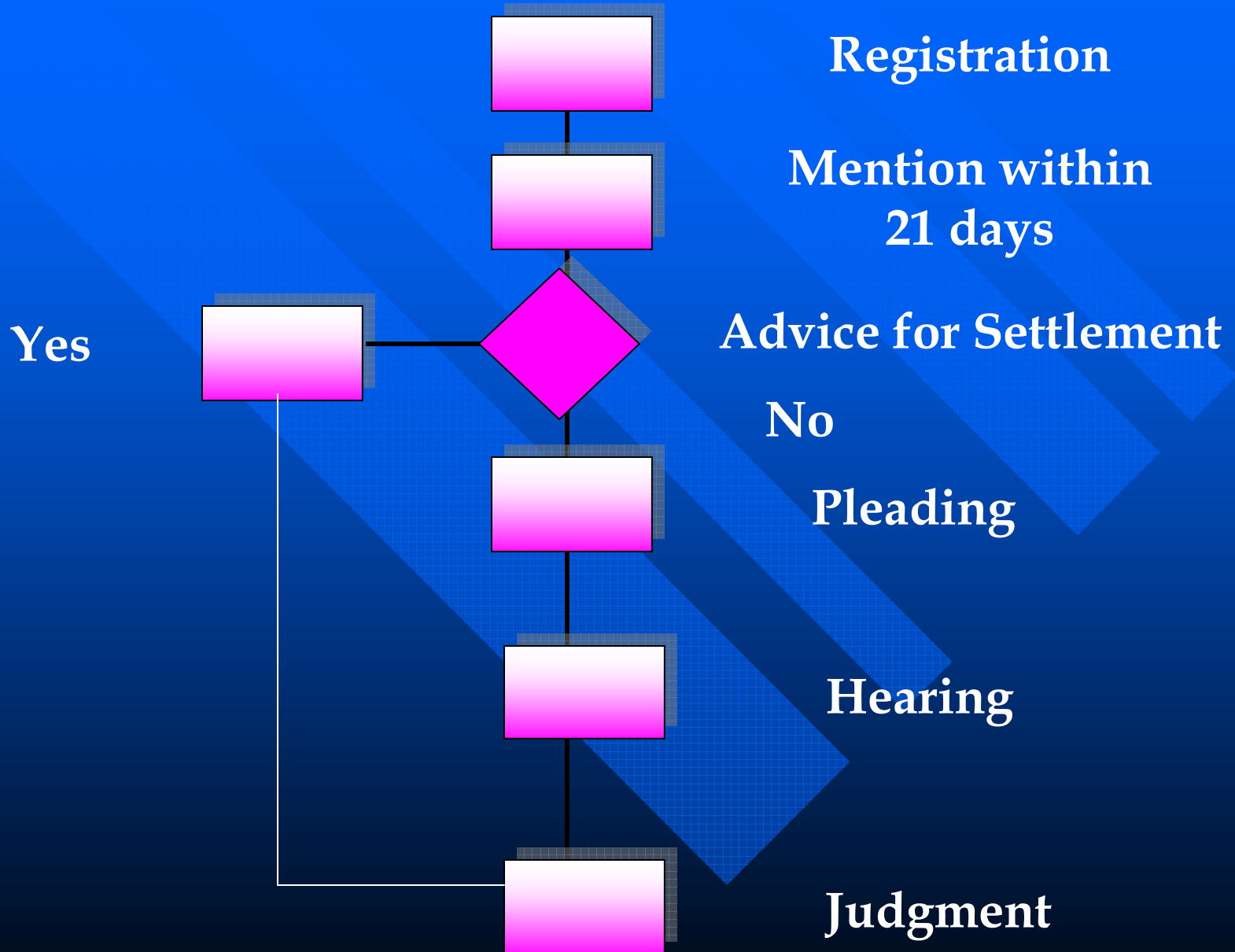


**SYARIAH COURT
CIVIL PROCEDURE
ENACTMENT OF SELANGOR
(AMENDMENT) 2003.**

CONTENTS

- INTRODUCTION
- JUDGMENT AND ORDERS
- CONCLUSION

Flow Chart For Civil Cases



INTRODUCTION

- Surah An-Nisa':135
- *“O you who believe stand out firmly for justice as witness to Allah even as against yourselves or your parent or you kin and whatever it be against rich or poor”.*
- In surah An-nisa:144
- *“ There no good in most of their secret talks save him who orders charity or kindness or reconciliation between mankind and who does this seeking the good pleasure of Allah we shall give him a great reward”.*

Cont...

- Judgment
- Where a decision brings finality to an action.
- Eg: Default judgment, consent judgment.
- Order-
- Where the decision of the court are only interlocutory in nature.
- Eg: Order to amend pleadings

PART XVI- SS130-137

- S 130
- Every trial Judge shall deliver a written judgment
- Pronounce his judgment in open court
Except in chambers.
- If unable to pronounce judgment, the written judgment may be read in open court by any other judge or Registrar
- Judgment shall form the record of the case.

Section 131

- **Consent Judgment**
- **Judgment by confessions**
- **Consent of the parties**
- **Sulh**
- **May be recorded by the court at any time**

SECTION 132

- **Terms of judgment or order to be settled by court.**
- **The court shall settle the terms of a judgment or order in such judgment or order.**

SECTION 133

- **Installments when due.**
- **Where any order is made for payment by installments in a particular month, the installment shall, in the absence of any a direction to the contrary, be deemed to be payable on the first day of the month next following and on the first day of each succeeding month.**

SECTION 133

- **Order for installments**
- **Any debtor against whom a judgment has been or is about to be given may apply to the court-**
- **For leave to pay the judgment debt by installments or**
- **For leave to pay by reduced installments**

Cont....

- **If 1 month in arrears such order shall be deemed to be vacated and the JC may execute for the whole amount then due on the judgment, but the judgment debtor may apply for another order.**
- **Order for payment by Installment-Any party may apply**
- **Installment be vacated**
- **Be increased or decreased**
- **After hearing the parties.**

SECTION 134

- **Judgment, etc requiring act to be done: time for doing it.**
- **Every judgment or order requiring any person to do any act, other than the payment of money, shall state the time within which the act is to be done, and if no time be so stated, the act shall be done within 7 days from the date of the judgment or order.**

Cont....

- Where the person required to do the act was personally present or represented by his Peguam Syarie when the judgment or order was given or made, it shall not be necessary to serve him with a copy of the judgment or order.

Cont...

- **Where the person required to do the act was not personally present or represented no proceedings for his arrest or commitment shall be taken unless he has been served with a copy of the judgment or order endorsed with a notice in Form MS 28.**
- **If there is no endorsement then committal proceedings (s 151) may not be successful.**

Section 136

- **Date of judgment or order.**
- **Shall be dated and take effect on the date on which it was given or made.**

Section 137

- **Judgment on Movable Property.**
- **A judgment for the delivery of movable property shall state the amount of money to be paid as an alternative if delivery cannot be made.**

Section 147

- Duty to comply.
- Shall comply without demand,
- Not necessary to serve on him the judgment
- Except if a person was not personally present or represented.
- Contempt of court.
- S 229- Notice to show action or cause.
- S 23- body corporate.

Appeal S138-146

- Section 139-
- Form MS 29
- File notice of appeal within 14 days
- The ct upon payment of prescribed fee supply the appellant a certified copy of the notes of evidence and the judgment.
- Notify the the Appellant in Form MS 30.
- Within 14 days deposit appropriates sum to the court.

Section 141

- Grounds of appeal
- Within 14 days- lodge grounds of appeal in 5 copies.
- Shall state briefly the substance of judgment
- Shall contain definite particulars of the law or fact.

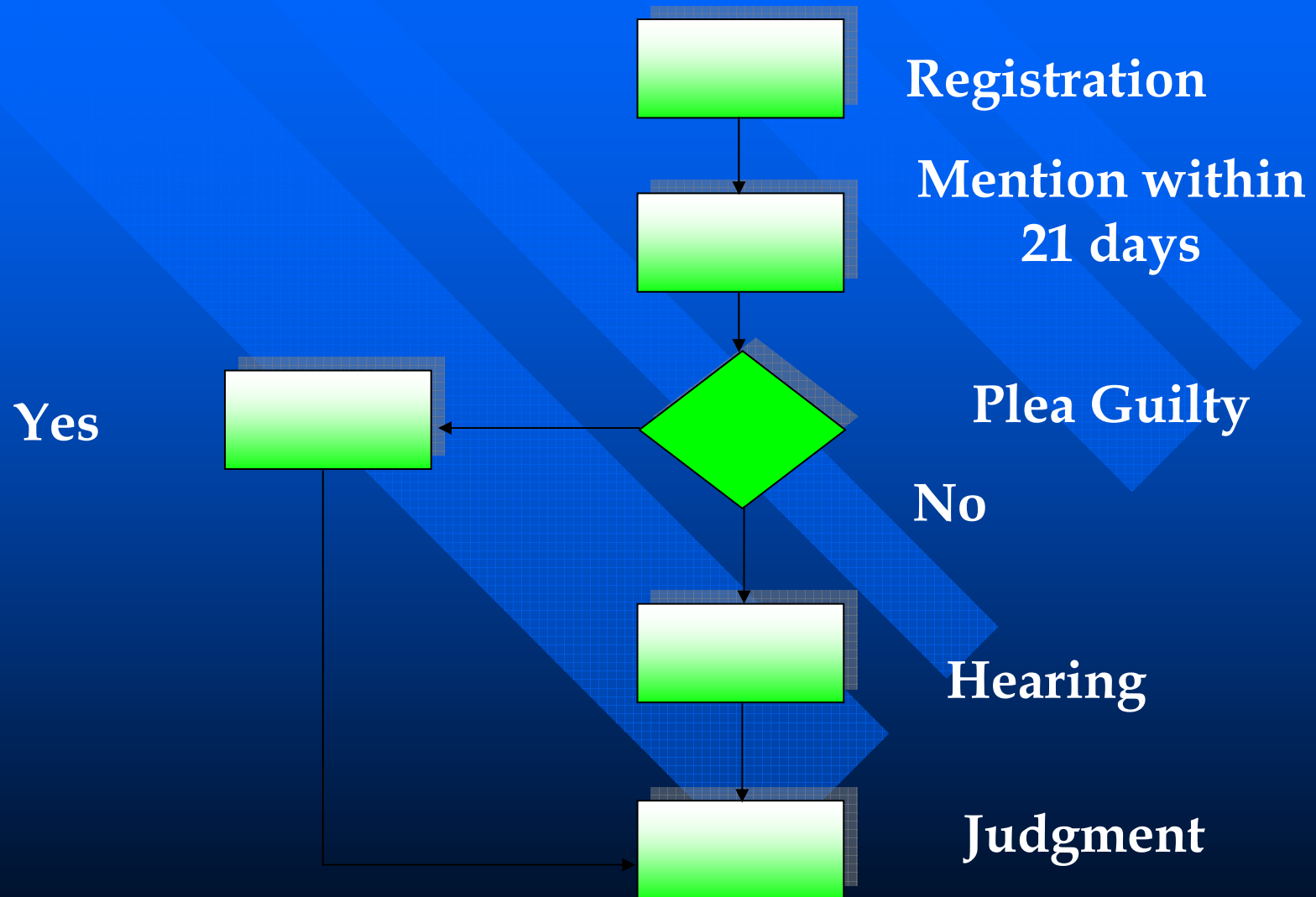
Section 144

- Stay of execution pending appeal.
- Filing of notice shall not operate as a stay of execution
- The ct may on application and on sufficient cause being shown stay execution on such terms as it may think fit.

Learning Outcome

- Students should be able to understand the nature of judgment and orders and its procedures.
- Committal proceedings could be invoked if a person do not comply with the judgment or orders.
- There is a right of appeal to any party in dispute and notice of appeal must be filed 14 days form the date of judgment.

Flow Chart For Criminal Procedure



Thank You



Zulkifli Bin Hasan

Lecturer Faculty of Syariah & Law

E-mail: zul361977@yahoo.com.

Tel. No: 06-7988 407

H/Phone No: 019-6698514