

**Salient Changes to the Courts of Judicature Act 1964**

On 1.10.2022, the Courts of Judicature (Amendment) Act 2022 came into effect, which made significant changes to the Courts of Judicature Act 1964 (“**CJA**”).

The amendments relate to sections 28(1), 51(2), 52(2), 53(1), 55 and 68(1) of the CJA, as well as the introduction of a new section 52A. Below is a summary showing the amendments to the aforesaid sections:

Pre- Amendment	Relevant section of the CJA	Post-Amendment	Amended section of the CJA
<p>Save for the amount in dispute or value of the subject matter is above RM10,000.00 or on question of law, appeal from Subordinate Court to High Court is not allowed.</p>	<p align="center"><b>Section 28(1)</b></p> <p align="center"><b>Civil appeals from Subordinate Courts to High Court</b></p>	<p><b><u>Additional subsections: -</u></b></p> <p>(a) The Subordinate Court’s decision in dismissing:</p> <p>(i) a summary judgment application; and</p> <p>(ii) an application to strike out any writ or pleading,</p> <p>are <b><u>not appealable</u></b>.</p> <p>(b) The Subordinate Court’s decision in allowing the application to set aside a Judgment in Default is <b><u>not appealable</u></b>.</p>	<p><i>“No appeal shall lie to the High Court in any of the following cases:</i></p> <p><i>(a) subject to any other written law, from a decision of a subordinate court in any civil cause or matter where the amount in dispute or the value of the subject matter is ten thousand ringgit or less except on a question of law;</i></p> <p><i>(b) where a subordinate court dismissed any application for a summary judgment;</i></p>

			<p>(c) where a subordinate court dismissed any application to strike out any writ or pleading; and</p> <p>(d) where a subordinate court allowed any application to set aside a judgment in default.”</p>
--	--	--	--

<p>Notice of appeal shall state <b>an address</b> for the purpose of service of any notices or documents connected with the appeal, either the Appellant’s or his solicitors’ address</p>	<p><b>Section 51(2)</b> <b>Notice of Appeal</b></p>	<p>The address on the Notice of Appeal now includes “<b>postal address</b>” or an “<b>electronic address</b>”.</p>	<p>“Every notice of appeal shall state shortly the substance of the judgment appealed against, shall contain a postal address or an electronic address at which any notices or documents connected with the appeal may be served upon the appellant or upon his advocate, and, except where the notice of appeal is given orally under section 54, shall be signed by the appellant or his advocate.”</p>
---	---	--	---

<p>As soon as possible after notice of appeal has been filed, the Registrar shall notify the appellant or his solicitors at his <b>address for service</b> specified under subsection 51(2) by way of a notice that a</p>	<p><b>Section 52(2)</b> <b>Record of proceedings</b></p>	<p>The address for service to be adopted by the Registrar now includes “<b>postal address</b>” or an “<b>electronic address</b>”.</p>	<p>“As soon as possible after notice of appeal has been filed the Registrar shall cause to be served on the appellant or his advocate at his postal address or electronic address specified under subsection 51(2) a notice that a copy of the record is available and can</p>
---	--	---	--

<p>copy of the record of proceedings is available subject to payment of the prescribed fee.</p>			<p><i>be had on applying for the same on payment of the prescribed fee:”</i></p>
	<p><b>Insertion of Section 52A</b></p> <p><b>Notice or document etc., sent by electronic means</b></p>	<p>Any notices or documents sent to the appellant’s or his advocate’s electronic address is deemed to be valid service.</p>	<p><i>“Any notices or documents which are sent by electronic means referred to in sections 51 and 52 shall be deemed to have been served and delivered upon sending the notices or documents to the appellant’s or his advocate’s electronic address.”</i></p>
<p>The Appellant shall file a petition of appeal with the Registrar of the court from which the appeal lies and furnish <b>five copies</b> to the Court of Appeal.</p>	<p><b>Section 53(1)</b></p> <p><b>Petition of appeal</b></p>	<p>The Appellant is required to furnish <b>one copy</b> only to the Court of Appeal.</p>	<p><i>“Within ten days after service of the notice referred to in subsection 52(2) the appellant shall file with the Registrar of the Court from which the appeal lies a petition of appeal and a copy thereof addressed to the Court of Appeal.”</i></p>
<p>The Appellant shall furnish <b>four copies</b> of the record of proceedings, notice of appeal and petition of appeal to the Court of Appeal.</p>	<p><b>Section 55</b></p> <p><b>Transmission of papers to the Court of Appeal</b></p>	<p>The Appellant is required to furnish <b>one copy</b> only to the Court of Appeal.</p>	<p><i>“When an appellant has complied with <a href="#">sections 51</a> and <a href="#">53</a> the Registrar of the Court from which the appeal lies shall forthwith transmit to the Court of Appeal a copy of the record of the proceedings in the case, together with a copy of</i></p>

			<i>the notice of appeal and of the petition of appeal.”</i>
<p>Appeal to the Court of Appeal is not allowed in the following circumstances:</p> <p>(a) when the amount or value of the subject-matter of the claim (exclusive of interest) is less than RM250,000.00, except with the leave of the Court of Appeal;</p> <p>(b) where parties entered into a Consent Judgment;</p> <p>(c) where the judgment or order relates to costs only which lies in the discretion of the court, except with the leave of the Court of Appeal; and</p>	<p><b>Section 68(1)</b></p> <p><b>Non-appealable matters</b></p>	<p><b><u>Additional subsections: -</u></b></p> <p>(c) The High Court’s decisions in dismissing:</p> <p>(i) a summary Judgment application; and</p> <p>(ii) an application to strike out any writ or pleading,</p> <p>are <b><u>not appealable</u></b>.</p> <p>(d) The High Court’s decision in allowing an application to set aside the Judgment in Default is <b><u>not appealable</u></b>.</p>	<p><i>“No appeal shall be brought to the Court of Appeal in any of the following cases:</i></p> <p><i>(a) when the amount or value of the subject-matter of the claim (exclusive of interest) is less than two hundred and fifty thousand ringgit *; except with the leave of the Court of Appeal;</i></p> <p><i>(b) where the judgment or order is made by consent of parties;</i></p> <p><i>(c) where the judgment or order relates to costs only, which by law are left to the discretion of the Court, except with the leave of the Court of Appeal;</i></p> <p><i>(d) where, by any written law for the time being in force, the judgment or order of the High Court is expressly declared to be final;</i></p> <p><i>(e) where a High Court dismissed any application for a summary judgment;</i></p>

<p>(d) where, by any written law for the time being in force, the High Court Judgment or Order is expressly declared to be final.</p>			<p>(f) <i>where a High Court dismissed any application to strike out any writ or pleading; and</i></p> <p>(g) <i>where a High Court allowed any application to set aside a judgment in default.”</i></p>
---	--	--	--

**Conclusion**

The amendments to the CJA, in particular section 28(1) and section 68(1) will definitely help to ensure that court suits can proceed expeditiously, without being held up due to appeal(s) that litigants may make against decision(s) in relation to interlocutory application(s). The amendments would also prevent, or at the least, deter litigants from filing frivolous interlocutory application(s) and/or appeal(s) to delay the court proceedings.

The other amendments affecting the mode of service whereby service by way of electronic means is now recognised, is definitely a welcomed change for many, and keeping in trend with all the changes that have been introduced by the courts since the COVID-19 pandemic hit our nation. This may even help litigants to save time and cost, as hardcopies of notices and documents may no longer be necessary in some instances. Nevertheless, this change would also mean that litigants and solicitors both must have in place a system to ensure that their email inboxes are monitored properly.

**Written by,**

1. **Chan Jia Ying**  
**Senior Associate**  
[jiaying@hlplawyers.com](mailto:jiaying@hlplawyers.com)

**2. Jessica Wong Yi Sing**

**Associate**

[jessica@hlplawyers.com](mailto:jessica@hlplawyers.com)