

BETWEEN

**Terence Robert Taylor  
Mary Rose Taylor**

**Plaintiffs**

AND

**Fathan, Rudi Lee, Annie Kon and  
Associates  
Lee Kim Boon  
Annie Kon Lu Choo  
Fathan Bin Haji Anuar**

**Defendants**

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**(High Court of Brunei Darussalam)  
(Civil Suit No. 172 of 2010)**

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Before Commissioner James Findlay In Chambers.  
Date of Hearing: 4<sup>th</sup> September, 2014.  
Date of handing down Judgment: 6<sup>th</sup> September, 2014.

No point of law, evidence or practice – not reportable.

Mr Terence Taylor represented the Plaintiffs.  
Mr Rajiv Prabhakaran (M/S Y.C.Lee and Lee) for the Defendants.

## **J U D G M E N T**

**Findlay, J.C.:**

This litigation has a long and unfortunate history. Thankfully, I am not required to go into this. I have to deal only with the matter before me which concerns a ruling by the Registrar on 22 January 2014 dismissing applications by the plaintiff that a taxation hearing should not proceed and the plaintiff's appeal against that decision.

Initially, the plaintiff wrote a letter to the Registrar seeking a postponement of the appeal hearing. I instructed that the plaintiff should appear on the scheduled date to seek this postponement. It is not necessary to deal in detail with the plaintiff's application to postpone because when he appeared before me, he said that he did not now wish a postponement and wanted to proceed with the appeal.

However, I should say that the plaintiff's letter complains about the notes of proceedings, the failure of Mr John Lee, who acts for the defendants, to negotiate settlement of costs and to deliver the plaintiff's original files, and that John Lee is not authorised to act for the defendants.

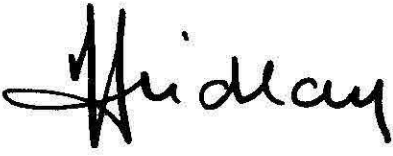
For the guidance of the plaintiff, I should say in relation to his criticisms of the Registrar's notes of proceedings that these are *notes* and do not purport to be a verbatim record of the proceedings. In that letter, the plaintiff asked that I order the defendants to answer his correspondence and release his original files. Of course, I cannot order a party to answer letters or negotiate and I cannot order a lawyer to hand over files over which he has a lien for unpaid fees. As to allegation that Mr John Lee had no authority to act, I will deal with that later.

At the appeal hearing, I sought to get from the plaintiff the grounds for his appeal against the Registrar's ruling. Time and time again, I asked him to tell me on what basis he was suggesting that the registrar's ruling was wrong. He was quite unable to do so. The only complaint that he raised persistently was in relation to the conduct of Mr John Lee Boon Leng, who was representing the defendants. The plaintiff seems to blame Mr John Lee for all this problems. Apart from this, the plaintiff was quite unable to raise any ground suggesting that the registrar's decision was erroneous. The plaintiff complained that Mr John Lee had not replied to correspondence, had made no attempt to negotiate the costs before proceeding to taxation and otherwise behaved badly. The plaintiff also persistently alleged that Mr John Lee had no authority to represent the defendants. This allegation was made in spite of the fact that John Lee had produced a letter dated 30 November 2010 from the defendants confirming his appointment and an affidavit dated 6 July 2011 by the defendants again confirming this appointment.

I do not know if Mr John Lee has behaved discourteously by not answering correspondence, by not seeking to negotiate settlement of the costs before taxation or by otherwise not behaving as the plaintiff would have wished and it is not necessary to enquire into this. These allegations have no impact at all on the question of whether or not the registrar's ruling was correct.

Accordingly, the plaintiff not having advanced any criticism of the Registrar's ruling itself, the appeal by the plaintiff is dismissed.

There remains the question of costs. In matters both before the Court of Appeal and in this court, the plaintiff has succeeded in not having awards of costs made against him on the basis that he was a litigant in person and perhaps deserved some sympathy. I believe the time has come for the plaintiff to be shown that he cannot litigate without proper grounds without facing the penalty of paying costs. The plaintiff's appeal was entirely without merit. It would be unfair to expect the defendants to foot the bill from their lawyers because of the plaintiff's folly. Accordingly, the plaintiff will pay the defendants costs of this appeal to be taxed if not agreed.

A handwritten signature in black ink, appearing to read "Friday". The script is cursive and fluid, with the first letter 'F' being particularly prominent and stylized.

**Judicial Commissioner**