

DALAM MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR

DALAM WILAYAH PERSEKUTUAN, MALAYSIA

(BAHAGIAN SIVIL)

ORIGINATING SUMMONS NO. _____ 2008

In the matter of Order 7, rule 2
of the Rules of High Court,
1980

And

In the matter of Articles 40(1),
43(3) and 55(3) of the Federal
Constitution

And

In the matter of letter dated 17th
January, 2008 to the plaintiff,
Parliamentary Opposition
Leader from the Secretary,
Election Commission, Malaysia

BETWEEN

LIM KIT SIANG

...PLAINTIFF

AND

1. ELECTION COMMISSION, MALAYSIA

2. GOVERNMENT OF MALAYSIA ...DEFENDANTS

ORIGINATING SUMMONS

To:

1. Election Commission, Malaysia
c/o Attorney-General Chambers
Civil Division
Aras 3, Blok C3
Pusat Pentadbiran Kerajaan Persekutuan
62512 Putrajaya
2. Government of Malaysia
c/o Attorney-General Chambers
Civil Division
Aras 3, Blok C3
Pusat Pentadbiran Kerajaan Persekutuan
62512 Putrajaya

We command you that within eight (8) days after the service of this originating summons on you, inclusive of the day of such service, you do cause an appearance to be entered for you in a cause in the suit of LIM KIT SIANG of No. 22 Persiaran Besi, 116000 Pulau Pinang.

1. A declaration, having regard to the scheme and spirit of Articles 40 (1), 43(3) and 55(3) of the Federal Constitution, a care-taker government should replace the government of the day during the period between the dissolution of parliament until a new government is formed;
2. A declaration that the second defendant is obliged, having regard to the provisions in the Federal Constitution referred to above, to set up a care-taker government during the period Parliament is dissolved until the swearing in of the new cabinet after the general election for the purpose of only attending to day-to-day administration of government during this period without any power to decide on policy matters, allocation of public funds or use of public facilities during the campaign in the forthcoming general election;
3. Costs; and
4. Any further order or relief deemed fit and proper by this Honourable Court.

In the event the defendants do not enter an appearance, judgment or any order of the Court may given as the Court thinks fit and proper.

Dated this 4th day of February, 2008.

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Senior Assistant Registrar
High Court
Kuala Lumpur

This summons is filed on 4th February, 2008 by Messrs Karpal Singh & Co., solicitors for the applicant above, whose address for service is at No. 67, Jalan Pudu Lama, 50200, Kuala Lumpur

Note: This summons cannot be served after 12 months from the date herein except if reinstated by court order.