

CURRICULUM VITAE (CV)

LIM JIT KIONG graduated with a Bachelor of Laws degree with honours (second class upper division) from the University of Malaya in 1998 on a Skrine & Co. scholarship. Upon obtaining his law degree, Jit Kiong read in chambers at Skrine & Co. and was admitted as an Advocate & Solicitor of the High Court of Malaya in March 1999. Thereafter, Jit Kiong pursued his postgraduate studies at the prestigious National University of Singapore in which he graduated with a Master of Laws degree in August 2000. He is also a Registered Trade Mark Agent in Malaysia.

He has represented clients including international and local banks, multi-national corporations, public-listed companies, private limited companies and prominent individuals in arbitration and at all levels of the courts including the apex court, the Federal Court. Many of the cases which he won were reported in the law journals.

He has vast experience as an Advocate & Solicitor specialising in civil, commercial & employment litigation. His area of specialty includes the following:

- Employment, Labour & Industrial Relations
- Bankruptcy & Corporate Insolvency (winding-up)
- Building Contracts, Construction & Arbitration
- Corporate (shareholders, directors & partnership)
- Commercial (banking, insurance, sale of goods)
- Defamation (libel, slander, media & online defamation)
- General & Professional Negligence
- Injunctions (anton piller orders, interlocutory, mareva & fortuna injunctions)
- Intellectual Property (trademark, copyright & confidential information)
- Information Technology
- Judicial Review & Administrative Actions
- Land (tenancy, proprietary & caveatable interests)
- Trusts, Wills, Probate & Administration of Estate

In January 2012, Jit Kiong left as a partner of one of the largest law firms in Malaysia, Soo Thien Ming & Nashrah in order to establish Messrs JK LIM, a boutique law firm specialising in civil, commercial & employment litigation and intellectual property.

In one of Jit Kiong's recent cases which was reported in the Malayan Law Journal as [2014] 2 MLJ 63, he successfully argued at the Court of Appeal in which the appellate court reversed the judgment of the High Court in a claim for breach of trust by the beneficial owner of shares in a company against the nominee shareholder.

He was also widely reported in the online media (Malaysiakini, Malay Mail Online) in an on-going trial of a public interest suit defending a committee member of a well-known NGO being sued by the Federal Government of Malaysia.

Jit Kiong is well-sought after as lead counsel for firms of solicitors for complex and complicated disputes. He has been serving and still serves as a member of the Bar Council Court Liaison Committee since 2013. He used to speak regularly on the topic of litigation at a major bank's national training centre. He has also spoken on the areas of contract and commercial laws at Institut Tadbiran Awam Negara (INTAN).

His experience and engagements include the following:

Administrative, Employment & Labour

Industrial Court Case No. 2/4-250/13
Tsen Siong Yun v Chan Furniture (M) Sdn Bhd
Employment-claim for unlawful dismissal at the Industrial Court

Labour Summons No. KBR 110002/2013/0051
Mohammed Ali Bin Bakar & 7 Ors v EPS Solutions (M) Sdn Bhd
Labour-claim for retrenchment benefits-closure of factory

Kuala Lumpur High Court Civil Appeal No. R3-16-06-2010
Capatronics (M) Sdn Bhd v Agnes a/p Armstrong George
Labour- termination of employment-retrenchment benefits

James Stephen Aruputhasamy v Golden Corrugated Box (M) Sdn Bhd [2010] 2 LNS 0485
Employment-claim for constructive dismissal at the Industrial Court

Canpac Sdn Bhd v Nazari Mohd Jani [2005] 2 ILR 740f
Employment-claim for unlawful dismissal at the Industrial Court

NKR-Continental (M) Sdn Bhd v Wong Wai Kit [2005] 2 ILR 749q
Employment-claim for unlawful dismissal at the Industrial Court

NKR-Continental (M) Sdn Bhd v Boey Mun Seng [2005] 3 ILR 744h
Employment-claim for constructive dismissal at the Industrial Court

Bankruptcy & Corporate Insolvency

Kuala Lumpur High Court Bankruptcy No. 29-4391-09/2011
CIMB Bank Bhd v Mok Swee Kion
Bankruptcy-bankruptcy notice invalid-substituted service defective

Temerloh High Court Winding Up No. 28-03-2009
GR Plantation Sdn Bhd v Agensi KB Commodity Sdn Bhd
Insolvency-examination of former directors-removal of liquidator-stay of winding-up order

Temerloh High Court Civil Suit No. 22NCVC-4-1-2012
Agensi KB Commodity Sdn Bhd v Yee Plantation Sdn Bhd & 4 Others
Insolvency-undue preference-void transactions-security for costs

Temerloh High Court Civil Suit No. 22NCVC-5-1-2012
Agensi KB Commodity Sdn Bhd v Gelaran Prima Holdings Sdn Bhd & 4 Others
Insolvency-undue preference-void transactions-security for costs

Court of Appeal Civil Appeal No.W-02-1292-2008
Ahmad Imran B. Omar & 2 Others v Bumiputra Commerce Bank Bhd
Bankruptcy- beneficiary demands not in accordance with bank guarantees-estoppel

Court of Appeal Civil Appeal No.W-03-352-2009
Ghazali B. Haji Ibrahim v CIMB Bank Bhd
Bankruptcy-validity of bankruptcy notice-wrong procedure to challenge bankruptcy notice-amount claim excessive-wrongful calculation of interest

Seremban High Court Bankruptcy No. 29-876-2000
Hong Leong Finance Bhd v Mohd Adli Bin Maaris
Bankruptcy-validity of bankruptcy notice-substituted service-estoppel

Kuala Lumpur High Court Bankruptcy No. D4-29-2974-2000
Perdana Merchant Bankers Bhd v Lee Aik Cheong
Bankruptcy-opposing debtor's discharge application under s33 Bankruptcy Act

Kuala Lumpur High Court Winding Up No. D2-28-877-2005
Public Bank Bhd v Beta Holdings Sdn Bhd
Winding Up-bona fide dispute over debts-section 218 notice defective-duty of care failing to dispose shares

Shah Alam High Court Winding Up No. MT3-28-154-2006
BIC-GBA Sdn Bhd v KPS Plywood Sdn Bhd
Winding Up-bona fide dispute over debts-company commercially solvent-existence of a valid claim for set-off

Kuala Lumpur High Court Winding Up No. D5-28-1055-2000
Sound & Light Electrical Engineering Sdn Bhd v Kin Hup Seng Constructions Sdn Bhd
Insolvency-under preference- void transactions

Construction & Arbitration

Acted for several housing purchasers to claim for liquidated ascertained damages for late delivery of vacant possession against a developer [Rampai Budi-Jaya Sdn Bhd] at the Kuala Kubu Baru Magistrate's Court.

Acted for housing purchasers to claim for liquidated ascertained damages for late delivery of vacant possession against a developer at the Shah Alam Magistrate's Court.

Acted and represented Sunway Masalam Sdn Bhd (a subsidiary of Sunway Group) in defending several claims for liquidated ascertained damages by purchasers.

Acted and represented Sunway Masalam Sdn Bhd in an action for construction defects by a purchaser.

Kuala Lumpur High Court Suit No. 22NCVC-198-02/2012
Palm Management Consultants Sdn Bhd v Teo Hang Sam Realty Sdn Bhd
Construction-claim for breach of design agreement-damages

Bandar Baru Bangi Sessions Court Summons No. 52-9-1-2012
Oracle Design v Alexander a/l Raipan
Construction-claim for design and installation fees

Shah Alam High Court Suit No. 22-83-1996
System Drillers v Mudajaya Constructions Sdn Bhd
Construction-whether sub-contractor entitled to claim on a final sub-contract payment certificate based on a 'star rate'

Banking

Kuala Lumpur High Court Suit No. 22NCC-230-02/2013
RHB Bank Berhad v R & Y Industries Services Sdn Bhd & 2 Others
Banking facilities- purported default

Shah Alam High Court Suit No. 22NCVC-247-02-2013
OCBC Bank (Malaysia) Berhad v R & Y Industries Services Sdn Bhd & 2 Others
Banking facilities- purported default

Shah Alam Sessions Court Suit No. B52-115-06/2013
Malayan Banking Berhad v R & Y Industries Services Sdn Bhd & 2 Others
Banking facilities- purported default

Court of Appeal Application No. W-08-25-2010
Gan Eng Chuan v Bank Industri & Teknologi Malaysia Bhd
Banking-setting aside default judgment-merit

Court of Appeal Application No. W-08-1374-2010

Tho Tuck Woh v Hong Leong Finance Bhd

Banking-loan facility-validity of loan agreement-null and void for want of consideration-project abandoned

Seremban High Court Suit No. 22-246-2003

Malayan Banking Bhd v Atlanta Square (M) Sdn Bhd & 3 Others

Banking-charge-action against chargor for outstanding amount under charge upon auction of charged properties

Kuala Lumpur High Court O.S. D24-213-2009

Al Rajhi Banking & Investment Corporation v United Steelink Project Sdn Bhd & Anor

Islamic banking-insurance-interim injunction to restrain payment of insurance pursuant to a fire policy-beneficial owner

Shah Alam High Court Suit No. MT4-22-1063-1998

Malayan Banking Bhd v TCP Electronics Sdn Bhd & 2 Others

Banking-loan facilities-claim for outstanding amount-case management

Kuala Lumpur High Court Suit No. D2-22-92-2007

Citibank Bhd v Lion Electronics Enterprise (M) Sdn Bhd & Anor

Banking-loan facilities-claim for outstanding amount-Order 14 summary judgment

Affin-ACF Finance Berhad v Phang Ngan Heong [2010] 7 CLJ 592

Banking-hire purchase-claim for breach of implied undertaking as to title of a car-total failure of consideration

Court of Appeal Application No. N-08-990-2010

Hong Leong Finance Bhd v Era Auto Enterprise

Banking-hire purchase-indemnity by car dealer-total failure of consideration

Seremban High Court Civil Appeal No. 12-70-2008

Hong Leong Finance Bhd v Haslinda Bte Hussin

Banking-hire purchase-claim for breach of terms and warranties-third party notice

Seremban High Court Civil Appeal No. 12B-175-2009

Hong Leong Finance Bhd v Teow Kwi Choon

Banking-hire purchase-claim for breach of terms and warranties-indemnity by hirer

Kuala Lumpur Sessions Court Summons No. 5-52-13945-1999

Lee Siow Pin v Public Finance Bhd

Banking-hire purchase-indemnity-third party notice

Contract

Kuala Lumpur Magistrate's Court Suit No. A72-120-02/2014

Dawn Vector Sdn Bhd v Hasmda Binti Mohd Darus & 2 Others

Action for purported breach of contract of sale-vehicles

Shah Alam Magistrate's Court Suit No. A72NCC-944-05/2014
Hee Wan Seng (t/a Wanwood Buildmat Enterprise) v Ong Sing Seng
Action for purported breach of contract

Capatronics Malaysia Sdn Bhd & Anor v SMT Speedmark Forwarders Malaysia Sdn Bhd (CMA-CGM Malaysia Sdn Bhd as Third Party) [2011] 6 AMR 327
Shipping-exclusion clause in bill of lading exempted the freight forwarder from liability-privity of contract-labile for subsidiary company's losses

ABP Perfab (M) Sdn Bhd v Nationwide Express Courier Services Behad [2012] 1 CLJ 704
Contract-limitation of liability clause in consignment note-going to the root of contract

Kuala Lumpur High Court Civil Appeal No. R1-12-684-2005
GD Express (Ipoh) Sdn Bhd v Mariwangsa Kraftangan Sdn Bhd
Contract-limitation of liability clause in consignment note-going to root of contract

Shah Alam Sessions Court Summons No. 2-52-2154-2010
Annie's Cooking Studio v Everpro Sdn Bhd
Contract-direct selling-claim for breach of 'smart partnership'

Kuala Lumpur High Court Civil Suit No. S4-22-524-2008
Enginext Sdn Bhd v Intraline Resources Sdn Bhd
Contract-claim for non-payment of invoices for lease of induction heating equipment and installation charges

Melaka High Court Civil Appeal No. 12BNCVC-09-12/2011
Intraco Hardware (M) Sdn Bhd v Pakatan Muhibah Sdn Bhd
Sale of goods-assignment of debts or novation of agreement

Kuala Lumpur High Court Civil Appeal No. R3-12A-1015-2010
Yow Keong Furniture v Soon Furnishing Design
Sale of goods-claim for non-payment of invoices-set off against damages
Shah Alam High Court Suit No. MT3-22-440-2005

BIC-GBA Sdn Bhd v KPS Plywood Sdn Bhd & 2 Others
Sale of goods-distribution agreement-counterclaim for breach of collateral agreement

Kuala Lumpur High Court Civil Appeal No. R4-11A-68-2009
Beskom Teknologi Sdn Bhd v Unique Letronik Sdn Bhd
Sale of goods – automatic gate system – summary judgment

Shah Alam High Court Suit No. 22NCVC-1025-09/2011
Jining Xinao Agricultural Products Co Ltd v Evergreen Empower Sdn Bhd
Sale of goods-claim for outstanding invoices for agricultural produce in excess of USD495,000

Kuala Lumpur High Court Civil Appeal No. R1-12-283-2008
Vijayan Kumaran a/l KK Nair v Hypermedia Communications Sdn Bhd
Claim for services rendered pursuant to oral agreement

Corporate & Commercial

Kuala Lumpur High Court Suit No. 24NCC-155-04/2014

Lee Chun Hui v Chain Palazzo Sdn Bhd & Suruhanjaya Syarikat Malaysia

Court declaration- ceased to be a director

Advised a multi-national corporation as to the rights under a shareholders' agreement and joint venture agreement

Advised a multi-national corporation as to the rights of shareholders of preference shares in respect of distribution of profits

Advised a local company in respect of a support and maintenance services agreement to be signed with a multi-national corporation

Drafted a software application development agreement between an investor and the software developer

Kuala Lumpur High Court Suit No. 22NCVC-1271-12/2011

MBF Cards (M) Sdn Bhd v Borneo Vision Sdn Bhd

Dispute as to sponsorship agreement of a website and ownership of the site

Kuala Lumpur High Court O.S. D-24NCC-388-2010

Syarikat Bekalan Air Selangor Sdn Bhd v Kerajaan Negeri Selangor

Concession agreement-dispute as to the interpretation of the clauses in the agreement and adjustment of water tariff

Kuala Lumpur High Court Suit No. 22NCC-543-2011

Konsortium Abass Sdn Bhd v Syarikat Bekalan Air Selangor Sdn Bhd

Privatisation cum concession agreement-novation agreement-supplemental agreement-dispute as to the interpretation of clauses

Platinum Victory Sdn Bhd v Sri Komakmur Sdn Bhd [2008] 5 AMR 704 [2008] 1 LNS 152

Obtained an injunction to restrain the defendant from taking steps to wind-up the plaintiff (a well-known property developer) on the grounds of abuse of process

Court of Appeal Civil Appeal No. W-02(IM)(NCC)-930-2011

Teh Gong Kow & Anor v Cheang Boon Ngoh

Partnership dispute – Issue as to whether the Court has no jurisdiction

Shah Alam Sessions Court Summons No. 2-52-2308-2009

KHH Double Lion Distributors Sdn Bhd v Great Fusion Sdn Bhd

Distributorship agreement-trading agreements with high traffic outlets-dispute

Court of Appeal Civil Appeal No. W-03(IM)-173-2008

Perniagaan Jamee Eksport & Import & 2 Others v Hwa Tai Food Industries (Sabah) Sdn Bhd [related to Shah Alam High Court Civil Appeal Nos. 12-335-2010 and 12-337-2010]

Claim for goods sold and delivered-application to set aside-Court has no jurisdiction to hear

Shah Alam High Court Suit No. MT4-22-1-2005
Ngit Engineering Works v Melela Steel Industries Sdn Bhd
Injunction-locus standi to sue

Insurance

Johor Bahru High Court Civil Appeal No. MT1-12-12-2009
Broadway Transport & Forwarding Sdn Bhd v MUI Continental Insurance Bhd
Insurance-repudiation of claim-marine policy-unattended vehicle extension endorsement

Kuala Lumpur Sessions Court Summons No. S11-52-22307-2006
Formtex Medical Sdn Bhd v MUI Continental Insurance Bhd
Insurance-claim under group personal accident insurance policy-repudiation of claim

Kuala Lumpur High Court Civil Appeal No. R5-12-38-2008
MUI Continental Insurance Bhd vGlovco Holdings Sdn Bhd
Insurance-outstanding premiums under policy-default judgment

Temerloh High Court Suit No. 22-29-1999
Public Bank Berhad v Messrs Rosni Francis Tan & Ho
Professional indemnity insurance scheme by Malaysian Bar - pre mature cause of action-striking out against firm of solicitors

Advised and acted for a firm of solicitors with branches in Kuala Lumpur and Ipoh being sued for negligence.

Advised an insurance broker as to the repudiation of a claim by an insurer.

Intellectual property

Kuala Lumpur High Court Suit No. 22IP-34-06/2014
Lee Foo Wong v EME Mac (KL) Sdn Bhd & 4 Others
Interlocutory injunction - action for passing off – trade name of company – breach of directors' fiduciary duties – breach of employment contract – conspiracy to injure

Kuala Lumpur High Court Suit No. 22NCC-172-05/2014
LF Asia (Malaysia) Sdn Bhd & Anor v Chan Kar Ming & 7 Others
Interlocutory injunction - action for breach of confidence – breach of employment contract – conspiracy to injure

Kuala Lumpur Sessions Court Suit No. B52NCVC-123-12/2013
Hub Industrial Supplies Sdn Bhd v Ng Yak Hwa & Anor
Passing off- Interlocutory injunction- action for breach of directors duties

Kuala Lumpur High Court Suit No. D8-22-1279-2006
Elster Metering Limited & Anor v Damini Corporation & Anor
Copyright-artistic works in drawings-security for costs-striking out

Kuala Lumpur Sessions Court Summons No: S11(12)-52-8889-2004
Zen Australia Pty Ltd v All Best Clothing Sdn Bhd
Contract – Licensing agreement non-payment of royalties

Advised and acted for a public-listed company on the registration several trade marks

Advised and acted for a public-listed company for a potential trade mark infringement by a foreign company

Advised and acted for a private company in issuing warning notice to distributors for a potential trade mark infringement

Land

Federal Court Application No. 08(f)-115-2009
Mohd Nor Rahmat & Anor v Perwira Affin Bank
Land-novel questions of law-whether an auction pursuant to a lien-holder's caveat requires leave of the court under the Rules of the High Court 1980

Perwira Affin Bank Berhad v Selangor Properties Sdn Bhd & 2 Ors [2010] 3 CLJ 45 (CA)
Land-whether a lien-holder's caveat is valid as title not deposited by the registered proprietor

Kuantan High Court Civil Suit No. 22NCVC-145-06/2012
Low Kim Boon v Kuantan Marine Engineering Sdn Bhd & 2 Others
Land-declaration as registered proprietor-equitable owner

Shah Alam High Court Suit No. 21NCVC-4-2011
Locus Ace Sdn Bhd v Ayasamy a/l Munusamy & 2 Others
Land-declaration as registered proprietor-moneylending agreement-caveatable interest-validity of private caveat

Kuala Lumpur High Court O.S. S24NCVC-5-2010
Taipan Focus Sdn Bhd v Malaysia Trustees Bhd
Land-caveatable interest-validity of private caveat

Kuala Lumpur High Court Suit No. S22NCVC-130-2010
Malaysian Trustees Bhd v Taipan Focus Sdn Bhd
Land-declaration as equitable charge-title tainted with inequitable conduct-sale and purchase agreement was a sham and therefore void

Muar High Court Suit No. 23-21-2011
Lim Gau v Er It King

Land-validity of transfer-fraud and misrepresentation-removal of caveat

Kuala Lumpur High Court O.S. S1-24-2534-2006

Public Bank Bhd v Wang Kong Tek

Land – removal of private caveat – caveatable interest

Kuala Lumpur High Court O.S. S7-24-1567-2006

Malayan Banking Bhd v Abdul Jamal B. Mohamed Merican

Land-foreclosure proceedings-absence of any cause to the contrary

Ipoh High Court O.S. M2-24-153-2006

Malayan Banking Bhd v Krishnan a/l Arumugam

Land-foreclosure proceedings-absence of any cause to the contrary

Kuala Lumpur High Court Suit No. S3-22-928-2005

Abdul Rahiman Bin A.S. Dawood v Mampu Jaya Sdn Bhd

Land-claiming against successors-in-title/permitted assigns-revived abandoned project

Tan Ah Tong v Perwira Affin Bank & Ors [2001] 7 CLJ 500

Land-striking out a claim tainted with illegality-contravention of Housing Developers (Control and Licensing) Act 1966

Tenancy

Court of Appeal Civil Appeal No. W-04(IM)-368-2010

The Esquire Kitchen Sdn Bhd v Berjaya Times Square Sdn Bhd

Tenancy-unexpired term-misrepresentation-summary judgment

Kuala Lumpur Sessions Court Summons No. S12-52-32885-2008

Eng Lian Enterprise Sdn Bhd v Podium Trading

Tenancy-claim for outstanding rentals and utilities-counterclaim for negligence of landlord-estoppel

Tort (negligence, defamation, personal injury)

Kuala Lumpur Magistrate's Court Suit No. A72NCVC-434-01/2014

Chan Furniture (M) Sdn Bhd v Tsen Siong Yun

Negligence- loss of furniture

Shah Alam High Court Suit No. 22NCVC-1243-10/2012

Ho Wan Seng v Perbadanan Pengurusan Genting Permai Park & 2 Others

Defamation-damages for libel against the management corporation and office bearers

Bentong Magistrate's Court Suit No. A72NCVC-1-10/2013

Ho Wan Seng v Gunasingam a/l Krishnan

Defamation-damages for slander

Tjanting Handicraft Sdn Bhd v Utusan Melayu (Malaysia) Sdn Bhd & Ors [2001] 3 CLJ 571

Defamation-general and aggravated damages for libel

Shah Alam Civil Suit No. 22-1957-2007

Hwa Tai Industries Bhd & 4 Others v Bina Management (M) Sdn Bhd & Anor
Professional negligence-share registrar-fiduciary duties

Seremban Sessions Court Summons No. 2-52-912-2006

Dr Oh Kok Leong v Malayan Banking Bhd
Negligence-banker-documents

Kuala Lumpur Sessions Court Summons No. S11-52-4225-2007

Gleneagles Hospital (KL) Sdn Bhd v Fardella Francesco
Counterclaim for professional negligence against hospital

Kuala Lumpur High Court Suit No. S22-771-2009

Engtex Sdn Bhd v Teo Bee Wah
Tort of conversion and misappropriation-trust-fiduciary duties-employment contract

Haji Yusoff Haji Abdullah v Affin Bank Berhad [2009] 1 LNS 1793

Tort-ingredients of a claim for malicious prosecution

Kuala Lumpur Sessions Court Summons No. -2005

Lawrence Sinsua v Lee Hong Lian
Tort-claim for personal injury-accident

Ampang Sessions Court Summons No. 53-393-1999

Kosuke Hirao v Bahar Bin Munip & Another
Tort-claim for personal injury-accident

Trusts, Wills & Probate

Kuala Lumpur High Court Originating Summons No. 31NCVC-1090-09/2014

Estate of Lilly D'Cruz Pereira
Letters of administration- administer estate

Court of Appeal Civil Appeal No. W-02(NCC)-2229-09/2012

Wong Kim Cheng v Aidil Fahmy Bin Zainal Abedin & 4 Others
Trust-claim for breach of trust and declaration that plaintiff is beneficial owner of share certificates

Kuala Lumpur High Court Administration No. 32NCVC-960-07/2012

Estate of Tan KC
Probate proceedings-caveators to show cause against making of a grant

Court of Appeal Civil Appeal No. B-02-484-09
Tan Sen Huat & Anor v Jean Louis Jayaraj a/l Joseph Selvan
Trust- duties of trustees

Kuala Lumpur Sessions Court Summons No. 2-52-11327-2002
Tiaraview Management Sdn Bhd v Sivakumar a/l Govindasamy
Trustees-stakeholder's duties as solicitors-breach

Penang High Court Suit No. 22-1015-1998
David Khoo Khay Wan & Anor v Chris Khoo Kay Beng & HSBC Trustee Bhd
Trustees-claim for breach of duties as trustees