



GAVIN JAYAPAL

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www.gavinjayapal.com

Litigation | Arbitration | ADR

FIRM PROFILE



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GAVIN JAYAPAL is a boutique, specialist civil, commercial and corporate litigation practice. The Firm was formed from the vision of its principal, Gavin Jay Anand Jayapal.

A graduate of the **University of Leeds** and a **Barrister-at-Law of the Middle Temple**, Gavin has an unwavering passion for all aspects of litigation, advocacy and dispute resolution.

Gavin also holds a **Masters in Law from the University of Malaya** and is an **Accredited Mediator** with the Malaysian Mediation Centre.

He is actively involved in numerous matters at all levels of the Malaysian Judiciary, having represented clients in the High Court, Court of Appeal and Federal Court.

THE FIRM

The Firm prides itself on being ethical, passionate and result-orientated.

Integrity lies at the foundation of the Firm and it is upon this rock that it is built.

Gavin regularly delivers talks for and on behalf of the Malaysian Bar. He has also been invited by several State Bars to deliver talks and seminars.

He also works closely with CLJ Law and has delivered talks for them pertaining to insolvency and company law.

THE FIRM

The success of the Firm is measured against how effectively our Clients' rights are protected and how effectively a legal solution is procured.

The Firm has acted for (and continues to act) for high net-worth individuals, small-and-medium sized enterprises (SMEs), subsidiaries of public-listed entities and public-listed entities themselves.

The Firm has also been engaged on numerous occasions as Counsel.

As a specialist civil litigation practice, the Firm is well-placed to provide immediate advice and legal solutions.

LEGAL SERVICES AND OUR CLIENTS

1. **Icon City JMB v Mah Sing Utilities Sdn Bhd & Ors [2023] MLJU 2007**
2. **Malaysian Bio-Xcell Sdn Bhd (In Liquidation) v Lebas Technologies Sdn Bhd [2023] MLJU 2591**
3. **Tan Sri Datuk Seri M Kayveas & ors v Datuk Seri Maglin Dennis D'Cruz & ors [2023] MLJU 1640** (the CA affirmed the High Court's post-trial findings, in agreement with us)
4. **Le Apple Boutique Hotel Sdn Bhd v Keen Solution Sdn Bhd [2023] MLJU 1729** (reversing the findings of the High Court in [2022] 1 LNS 43, in agreement with us)
5. **Hektar Juara v Tam Jaya Group [2023] MLJU 166**
6. **Live Scape v World Wonder Fest [2023] MLJU 96**
7. **Datuk Seri Maglin Dennis D'Cruz & Ors v Dato' Ly Kim Cheong & Ors (Bankruptcy) [2022] MLJU 3092**
8. **Jin Ah Hong v Saw See Na & Anor [2022] MLJU 3203**
9. **Yow Man Kong @ Senthil Kumar v Ghandirajan Arjunan [2022] MLJU 3168 (CA)**
10. **Megatech M&E Engineering v Brecon Synergy Sdn Bhd [2022] MLJU 2818**
11. **Silverstone Berhad v Purushotman Nagappan [2022] MLJU 2198**
12. **Lee Wan Sin & Anor v Seri Mutiara Development Sdn Bhd [2022] MLJU 1836**
13. **Dato' Suki Mee v Toi Sin Fatt & Ors [2022] MLJU 1526** [quantum revised upwards to RM300,000 in our Client's favour by the Court of Appeal on 16.03.2023 in Civil Appeal No.: A-02(NCvC)(W)-921-05/2022]

CITATIONS

1. **Ulster Waves Sdn Bhd v Perbadanan Putrajaya [2022] MLJU 1541**
2. **Datuk Seri Maglin Dennis D’Cruz & Ors v Tan Sri Datuk Seri M Kayveas & Ors [2023] 7 MLJ 512**
3. **Steel Hawk Engineering Sdn Bhd & Anor v Sundereswaran a/l Raja Manickam & Ors (Sundereswaran a/l Raja Manickam, proposed contemnor) [2022] MLJU 490** [Appeal withdrawn pursuant to us successfully obtaining a Judgment Sum of ~RM15.8m against the Proposed Contemnor]
4. **Keen Solution Sdn Bhd v Le Apple Boutique Hotel KLCC Sdn Bhd & Anor [2022] 1 LNS 43** [Decision of the High Court unanimously overturned by the Court of Appeal on 19.05.2023 in Civil Appeal No.: W-02(NCC)(A)-1004-06/2022]
5. **Perwakilan Cepak Sdn Bhd v Ketua Pengarah Tenaga Kerja & Ors [2022] MLJU 909**
6. **Cairnhill Hotel Sdn Bhd v Lim Tian Huat [2022] 1 LNS 3337**
7. **Axisjaya Sdn Bhd v Yee Tuck Sing [2021] 1 LNS 2014**
8. **Datuk Seri Maglin Dennis D’Cruz & 11 ors v Tan Sri M Kayveas & 9 ors [2020] 1 LNS 1137**
9. **Datuk Seri Maglin Dennis D’ Crus & 11 ors v Tan Sri M Kayveas & 9 ors [2020] 1 LNS 1053** [Affirmed in Civil Appeals No.: W-02(IM)NCC-125-01/2020, W-02(IM)NCC-181-01/2020 and W-02(IM)NCC-183-01/2020]

CITATIONS

1. **Pathmini A/P Mookapillai & ors v Vijayalatchumi A/P Mookapillai & ors [2021] MLJU 576**
2. **Pathmini A/P Mookapillai & ors v Vijayalatchumi A/P Mookapillai & ors [2021] 1 LNS 443**
3. **Woon Kim Choy v Acexide Technology Sdn Bhd [2021] 2 LNS 0127**
4. **Chang Heng Keong v Acexide Technology Sdn Bhd [2021] 2 LNS 0126**
5. **Petrozchem Oilfield Sdn Bhd v Scomi Oiltools Sdn Bhd [2020] MLJU 1564** (Affirmed by the Court of Appeal in Civil Appeals No.: W-02(IM)(C)-2243-12/2019 and W-02(IM)(C)-2247-12/2019)
6. **Ng Siew Hoon v Asia Experience Tours Sdn Bhd [2020] 2 LNS 1056**
7. **Live Scape Sdn Bhd v World Wonder Fest Sdn Bhd [2020] MLJU 1510**
8. (Overturned by the CA [Civil Appeal No.:W-02(IM)(NCVC)-807-07/2020], in agreement with us)
9. **J v J [2021] 1 LNS (O) 30 [CA]**
10. **Opes Capital Bhd v Ng King Hoo & anor [2021] MLJU 369**
11. **Bala Subramaniam Mookapillai & anor v Tetuan Raj Selva & Co [2020] MLJU 1300**
12. **Bala Subramaniam Mookapillai & anor v Tetuan Raj Selva & Co [2020] 6 CLJ 721**
13. **Low Kian Hoew v Lu Zhijun & ors [2020] MLJU 2187**

CITATIONS

1. **Maple87 Builders Sdn Bhd v Bina Terbit Sdn Bhd [2019] 1 LNS 642**
2. **Mazura binti Md Mazlan dan satu lagi v Lee Thai Foo dan lain-lain [2018] MLJU 2042**
3. **Dynamic Curve Sdn Bhd v Alam Swiber Offshore (M) Sdn Bhd & ors [2020] MLJU 1467**
[Affirmed in Civil Appeals No.:W-02(IM)(NCC)-659-06/2020 and W-02(IM)(NCC)-661-06/2020]
4. **Scomi Oiltools Sdn Bhd v Petrozchem Oilfield Services Sdn Bhd [2020] MLJU 1472** (decision rendered otiose, see paragraph 24 above)
5. **Spacious Glory Sdn Bhd v Coconut Three Sdn Bhd [2022] 7 MLJ 76**
6. **Bank Muamalat Malaysia Bhd v Alam Maritim (M) Sdn Bhd & anor [2021] MLJU 581**
7. **CIMB Bank Bhd v Alam Maritim (M) Sdn Bhd & anor [2021] MLJU 25**
8. **Enisah Binti Baharuddin & ors v Menteri Kerja Raya & ors [2017] MLJU 1412**
9. **Dato' Suki Mee v Far Origin Sdn Bhd [2020] MLJU 1408**
10. **Malaysian Bio-XCell Sdn Bhd v Lebas Technologies Sdn Bhd [2020] 3 MLJ 723**
11. **Beta Tegap Sdn Bhd v Majlis Perbandaran Sepang (AGC, Intervenor) [2013] 10 MLJ 240**
12. **The GSH Sdn Bhd v Badan Pengurusan Bersama Galeria Hartamas [2015] MLJU 2324**
13. **Kok Chee Yoong & anor v Wong Lee Yeun [2018] MLJU 978** [The HC's decision at [2016] 1 LNS1733 was overturned by the CA, in agreement with us. A subsequent Federal Court Motion No.: 08-1-01/2017 (Leave) was dismissed, in agreement with us]
14. **Beauty Land Enterprise v Bala Sandran Krishnasamy [2019] 1 LNS 278**
15. **Bala Sandran Krishnasamy v Beauty Land Enterprise [2018] 3 ILR 208** [the decision of the Industrial Court ([2018] 3 ILR 208) was quashed by the High Court ([2019] 1 LNS 278). The CA (in agreement with us) reversed the HC's findings and reinstated the Industrial Court's Award (Civil Appeal No.:W-02(A)-197-01/2019)]

CITATIONS

The Firm is able to provide you with immediate legal advice pertaining to civil litigation, at all levels of the Malaysian legal hierarchy.

Drawing from experience, Gavin Jayapal is able to provide you with advice pertaining to the drafting and negotiation of contracts. We know where the pitfalls lie and are uniquely positioned to advise you as to how matters will play out.

Our Principal is adept at working together with in-house counsel and will be able to immediately provide you with an action plan as soon as a situation should arise.

HOW WE CAN HELP

- Lead Counsel in a construction dispute in the Kuala Lumpur High Court that involves a disputed sum of approximately RM21 million.
- Lead Counsel in a claim for a director's breach of fiduciary duties involving a development project with a GDV of ~RM1.2 billion
- Lead Counsel in a construction dispute in the Alor Setar High Court that involves a contract worth RM58 million.
- Lead Counsel in a claim brought by the subsidiary of a public-listed company in the Shah Alam High Court for defamation proceedings instituted against it.

OUR PORTFOLIO

- Lead counsel in a dispute involving conspiracy to injure and the tort of abuse of the Court process involving a parcel of land worth approximately RM15m (HC, CA and FC).
- Lead Counsel in a claim for a fraudulent winding-up petition presented against a company with ongoing litigation involving ~RM19m.
- Lead Counsel to successfully argue and obtain a *quia timet* injunction in a matter involving an abuse of the Court's processes via the initiation of multiple suits across different states.

OUR PORTFOLIO

- Lead Counsel in a suit filed against the CEO and directors of a public-listed company. The Creditors sought to pierce the corporate veil and to render the directors personally liable. The suit was successfully struck-out and a subsequent appeal was dismissed.
- Lead Counsel in obtaining and maintaining a Fortuna Injunction to restrain a s 466 Statutory Notice issued against the subsidiary of a public-listed company.
- Lead Counsel in a claim brought against former employees, where damages of ~RM15m were awarded by the High Court.

OUR PORTFOLIO

- Lead Counsel in successfully resisting an application to strike-out (at both the High Court and the Court of Appeal), dealing with a novel point of law pertaining to the status of members of a political party.
- Lead Counsel in an application filed by the subsidiary of a public-listed company, seeking to set-aside a garnishee order obtained against its accounts.
- Lead Counsel in a dispute pertaining to a Business Purchase Agreement and alleged misrepresentation.
- Lead Counsel in a suit against a remisier and investment bank for a sum of approximately RM16million.

OUR PORTFOLIO

- Lead Counsel in a conspiracy to injure claim against a SME and its directors.
- Lead Counsel in a shareholders' dispute involving alleged fraud against a high net-worth individual with a disputed project sum in excess of RM1 billion.
- Successfully challenging and successfully responding (on appeal) to a scheme to defraud creditors.
- Providing advice to high net-worth individuals pertaining to the restructuring of their debts.
- Advising and acting for individuals in a Contentious Probate Proceeding involving an estate with a value of approximately RM50million.

OUR PORTFOLIO

- Advising and initiating a civil suit against the subsidiary of a public-listed company for a disputed sum of RM4.3 million.
- Lead Counsel for a contentious probate proceeding in the Federal Court.
- Advising and appearing for residents in a judicial review application to challenge the construction of a RM6 billion highway.
- Advising and acting for the Malaysian subsidiary of a multi-national company for breach of its duties in relation to civil works.

OUR PORTFOLIO

- Advising and acting for an ultra high net-worth individual in a defamation matter.
- Lead Counsel for adjudication proceedings for the subsidiary of a public-listed company.
- Successfully acting as Lead Counsel and defending a quasi-criminal matter involving civil forfeiture of properties by the MACC, amounting to RM2 million.
- Advising and acting for an SME and a high net-worth individual in a conspiracy claim involving the unlawful usurpation of confidential documents.

OUR PORTFOLIO

- Advising and appearing as Counsel on behalf of a company involved in a national home-building scheme for a disputed sum of RM7.78 million.
- Advising and acting for the subsidiary of a listed developer in Housing Tribunal (on points of law) and CIPAA Adjudication claims.
- Advising and acting for the subsidiary of a listed developer in a contentious claim involving proprietary estoppel and the rights to operate a parcel of land worth approximately RM5.3 million.
- Advising and appearing for former members of a de-registered political party in a dispute involving a building worth approximately RM8.8 million.

OUR PORTFOLIO

- Advising and acting for the subsidiary of a listed company in a civil claim involving a disputed sum of approximately RM4.4 million.
- Advising and acting for the subsidiary of a listed company in a claim for monies due and owing to it pursuant to a ship-charter agreement.
- Successfully acting for an SME to obtain prohibitory and mandatory injunctions against its former employees for breach of confidential information.
- Acting on behalf of a large enterprise (an entity that cornered a sizeable portion of its industry) in a claim for commission payments purportedly owing.

OUR PORTFOLIO

- Advising and acting for a shareholder in a claim for specific performance involving a company with assets worth approximately RM7.8 million
- Advising and acting for a public-listed entity and its subsidiary in a claim brought by 2 banks premised-upon 2 agreements, with a total disputed value of RM18 million
- Advising and acting as Lead Counsel for the subsidiary of a foreign-based company in a claim against its former Managing Director for breach of fiduciary duties.

OUR PORTFOLIO

Gavin regularly delivers talks to the Malaysian Bar on the Fundamentals of Company Law.

He is regularly invited to deliver seminars to the Malaysian Bar on numerous matters involving civil procedure, including seminars on Committal Proceedings, Contempt of Court, Ex Parte Injunctions and Pointers on Pleadings.

He has also been invited by the Negeri Sembilan, Malacca and Johore State Bars to deliver seminars.

Gavin has also been invited to deliver a training seminar to a large multinational bank in Myanmar.

A full list of talks delivered may be accessed from our website and is made available [here](#).

TALKS & SEMINARS

Gavin has also been invited by the Malaysian Bar and the Current Law Journal (CLJ) to deliver talks on numerous aspects of the law, ranging from Injunctions, Bankruptcy Proceedings, the Fundamentals of Company Law and Handling Witnesses.

He is listed as a Contributing Author to Thomson Reuters' White Book 2013, 2018 and 2021.

Gavin also authors numerous articles that are published on our website. The same may be accessed [here](#).

He is also an Advocacy Trainer on the Malaysian Bar's Advocacy Training Course.

TALKS & SEMINARS

The Firm is always accessible via email
and telephone.

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