REFERENCE 2023 MALACCA BAR



MALACCA BAR COMMITTEE

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REFERENCE

FOR

DECEASED MEMBERS

OF THE MALACCA BAR

Before

His Lordship

Datuk Anselm Charles Fernandis

on

Wednesday, 8th February 2023

at 9.15am

at High Court (1), Melaka









IN MEMORY OF

	PAGE
Mr. Teoh Kim Hong	1 - 3
Dato' Haji Sabarudin Bin Haji Othman	4 - 6
Mr. Thara Singh Sidhu	7 – 9
Mr. Avatar Singh S/O Ram Singh	10 - 12
Madam Tan Chee Lan, Marie	13 – 15
Mr. Francis Hilary D' Cruz	16 - 19





MR. TEOH KIM HONG

 $(20^{TH} \text{ JULY } 1956 - 26^{TH} \text{ JANUARY } 2018)$



The late Mr. Teoh Kim Hong was born in Kedah in 1956. He completed his early primary education in SJK (C) Min Terk. Thereafter he continued his lower secondary education in SMK Batu Dua and then proceeded to SMK Ibrahim for his upper secondary education. He did his Sixth Form in Han Chiang High School in Penang.

The late Mr. Teoh Kim Hong was the second son in a family of three boys and five girls. During his early years, he had to wake up as early at 3 a.m. to assist his father, a fishmonger, at the local market in Sungai Petani, Kedah. In the afternoon, he helped his mother to sell 'kuih' around his neighborhood. All these early childhood experiences moulded made him to be a versatile all-rounder (a 'semua boleh' man)!

After he completed his schooling, Mr. Teoh Kim Hong was employed as a temporary teacher for two years in Sekolah Persendirian Sin Min in Kedah. He was the school coach for ping-pong and was also the advisor for the school chess club. The school achieved excellent results in interschool tournaments and competitions under his tutelage and coaching. The late Mr. Teoh Kim Hong was also very active in the Boys' Brigade, as a non-commissioned officer with the rank of Staff Sergeant in the 1st Sungai Petani Company of the Boys' Brigade.

After his stint as a temporary teacher, the late Mr. Teoh Kim Hong joined the Anti-

Corruption Agency (ACA as it was then known) (Badan Pencegah Rasuah) in 29 Feb 1980 as an Assistant Investigating Officer (Penolong Pegawai Siasatan) in Kuala Lumpur. He also served in the Special Branch of the Royal Malaysian Police, Kuala Lumpur, Melaka and Batu Pahat. In 1987, he was appointed as a Prosecuting Officer. He displayed much initiative and professional competency in the discharge of his duties. The late Mr. Teoh Kim Hong served in the ACA till 1990. He then left for his law studies in England. The experiences and knowledge in law enforcement had motivated him to take up law.

During his stay in London, Mr. Teoh Kim Hong worked as a waiter to supplement his finances. After three years of hard work, he was awarded the Bachelor of Laws degree from Thames Valley University of London. He graduated in 1993 and returned to Malaysia, where he completed his Certificate of Legal Practice in University Malaya. Upon obtaining his Certificate of Legal Practice, the late Mr. Teoh Kim Hong commenced his pupillage under Messrs Ooi Sam Heng & Associates Muar. In 1996, he joined Messrs Mohd Latip & Associates as a legal assistant.

In 1997, the late Mr. Teoh Kim Hong together with his partner, En. Mohd. Mohtar Bin Haji Karim, started the law firm Mohtar and Teoh, Advocates & Solicitors at Jalan Hang Tuah, Melaka.

In 1998, he established his own legal firm, K.H. Teoh & Associates at Taman Seri Cempaka, Melaka. Later on, he moved his firm to Plaza Pandan Malim Business Park, Melaka.

The late Mr. Teoh Kim Hong had attained a wide and in-depth knowledge and experience in the law relating to criminal matters and general civil litigation especially in banking, debt collection, insurance, land-based matters, enforcement of judgements, general accident claims, besides conveyancing and housing project documentation. He was indeed an all-rounder and a dedicated lawyer who truly loved his profession working almost 365 days a year! He was well respected by all in the legal profession, as well as by his clients for his hard work, dedication and fair judgment. He was also a very obliging and generous man, he never turned down anybody when they needed his help.

The late Mr. Teoh Kim Hong worked till the very last day of his life. He passed away peacefully in his sleep in the early hours on the 26th of January, 2018. He left behind his beloved wife, Madam Chi Yew Wah, his two sons, Mr. Teoh Keat Wee and Mr. Teoh Shun Keat and his only daughter, Ms. Teoh Huey Lee. He will always be greatly missed by his beloved family, relatives and friends. He will be always be remembered for his kindness and generosity.

To conclude, let us ponder on one of the late Mr. Teoh's favourite quotes from the Dalai Lama:

"If you can, help others; if you cannot do that, at least do not harm them"

CHI YEW WAH

DATO' HAJI SABARUDIN BIN HAJI OTHMAN



Allahyarham Dato' Haji Sabarudin Bin Haji
Othman mendapat pendidikan menengah di
Negeri Pahang Darul Makmur iaitu di Sekolah
Menengah (Inggeris), Kuantan. Selepas
mendapat kelulusan Sijil Persekolahan (Senior
Cambridge School Certificate) (Disember 1953)
beliau telah berkhidmat sebagai Guru Pelatih di
Sekolah Ahmad, Pekan, Pahang Daruk Makmur

di antara 1954 sehingga 1955. Di antara 1955 sehingga bulan Oktober 1966 beliau telah bertugas sebagai Jurubahasa Melayu Mahkamah Tinggi Raub, Pahang Darul Makmur.

Dato' Haji Sabarudin Bin Haji Othman adalah seorang yang cekal hati dan bekerja keras. Ini boleh dilihat apabila beliau bertolak ke London untuk mengikuti ilmu Undang-Undang di Lincoln's Inn dalam tahun 1966 semasa beliau telah menjangkau 33 tahun. Pada masa ini beliau telahpun berumah tangga dan mempunyai beberapa orang cahaya mata dan walaupun terpaksa menghadapi masalah-masalah yang sukar, beliau telah lulus pengajian undang-undang beliau dalam masa yang ditetapkan.

Dato' Haji Sabarudin Bin Haji Othman memasuki perkhidmatan Kehakiman dan Perundangan dalam tahun 1970. Dalam perkhidmatan ini beliau telah menunjukkan kewibawaan dalam menjalankan tugas sehingga dilantik sebagai Penasihat Undang-

Undang Negeri Melaka dalam tahun 1975 iaitu 6 tahun selepas beliau memasuki perkhidmatan kehakiman dan perundangan. Ini adalah satu pencapaian yang amat tinggi. Kerajaan telah menaruh kepercayaan kepada beliau dengan melantik beliau sebagai Pengerusi Suruhanjaya di Raja (Royal Commission) untuk menyiasat Kematian Bayi-Bayi Di Hospital Besar Melaka. Pelantikan ini ialah oleh Seri Paduka Baginda Yang Di Pertuan Agong.

Dato' Haji Sabarudin Bin Haji Othman telah dilantik sebagai Pengerusi Mahkamah Perusahaan pada 1-1-1991. Beliau telah menjalankan tugas ini dengan cemerlang. Beliau adalah seorang Pengerusi Mahkamah Perusahaan yang berdedikasi dalam menjalankan tugasnya. Beliau juga sangat dihormati dan disegani di atas kewibawaan dan kecekapan serta keadilan dalam pengendalian kes-kes pertikaian di antara Majikan dan Pekerja. Beliau telah dapat dan Berjaya menyelesaikan kes-kes pertikaian perusahaan dan pembuangan kerja dengan cekap dan cepat. Di atas sumbangan yang bermakna ini dan sifat-sifat jujur, amanah, tekun serta adil, beliau telah dinaikkan pangkat sebagai Yang Di Pertua Mahkamah Perusahaan Malaysia dalam tahun 1995.

Di bawah kepimpinan beliau Mahkamah Perusahaan Malaysia telah berkembang dengan pesatnya dan dihormati oleh pihak majikan pekerja serta juga peguam-peguam. Di samping itu juga beliau telah mengadakan Persidangan Pengerusi-Pengerusi Mahkamah Perusahaan pada tahun 1995 di Kuching, Sarawak dan pada tahun 1996 di Pulau Langkawi demi untuk meningkatkan produktiviti dan mengeratkan lagi perhubungan antara Pengerusi-Pengerusi. Di bawah era beliau 2

cawangan Mahkamah Perusahaan telah dibuka di Johor Bharu dan satu lagi di Ipoh.
Sebelum ini, segalah perbicaraan diadakan di Jabatan Perhubungan Perusahaan bagi kes-kes kawasan tersebut.

Di bawah kepimpinan beliau, Mahkamah Perusahaan telah mencapai kemajuan demi kemajuan dan dihormati khasnya dikalangan Kesatuan Sekerja dan Kesatuan Majikan dan dikalangan pekerja amnya.

Pada 29 Disember 1998, beliau telah bersara dari jawatan Yang Di Pertua Mahkamah Perusahaan. Beliau menjadi rakan kongsi Sabarudin Othman and Ho yang beramal di Kuala Lumpur dan Melaka sehingga akhir hayatnya pada 3 April 2018.

Allahyarham meninggalkan balu Datin Hajah Siti Maznah Acheh yang telah meninggal dunia pada tahun 2020 dan 4 orang anak iaitu Puan Mardiana, Puan Faridah Hanim, Dato' Dr Johan Shamsuddin, Mantan Dekan Fakulti Undang-Undang, Universiti Malaya dan Capt. Muhammad Asri seorang juruterbang Saudi Air, berserta 15 cucu dan 7 cicit.

MR. THARA SINGH SIDHU

(18TH OCTOBER 1931 – 9TH DECEMBER 2020)



Thara Singh Sidhu was born on 18.10.1931. He had a brother and sister. The brother passed away at an early age due to illness. His sister passed away recently.

Thara Singh Sidhu did his early education in Perak and thereafter moved to Tampin with his parents. He was working as a teacher in his early years and

decided to study law. He was a teacher for 10 years and applied to Lincoln's Inn for Admission. Once admitted he applied to sit for his Part I exam in Malaysia while teaching. He pursued the course with Gibson & Weldon and succeeded in passing all his exams. He went to do the Final in England and finished his final in one year and did the Post Final Course.

Thara Singh Sidhu was admitted to the Malaysian Bar in 1964. He did his chambers in the law firm of M/S Sault & Co. in Melaka under the master Mr. Sault and also Mr. Keith Seller.

Subsequently, Thara Singh Sidhu partnered Mr. John Ang Soon Ho and they both took over the law firm of M/S Sault & Co. Thereafter, Thara Singh Sidhu left M/S Sault & Co. and opened his own law firm under his name and continued to practice until his passing away on 9.12.2020.

Thara Singh Sidhu was a serious litigation lawyer and he dedicated his whole life to law. He hardly took any holidays. He would bring his work home and continue to do his research.

During his early years as a lawyer, he took all kinds of cases to gain the experience and knowledge. He also handled Court Martial cases for the British Army in Terendak Camp Melaka where they were stationed.

Subsequently, over the years, he only started handling difficult and complicated cases and was doing a lot of counsel work for other lawyers. He enjoyed going to Court and he appeared before all the prominent Judges, their Lordships Tuan Syed Sheh Barakbah, Tun Azmi Mohamed, Tun Mohamed Soffian, His Highness Sultan Azlan Shah, Tan Sri S.S Gill, Tan Sri Ismail Khan, Tan Sri H.S Ong, Tan Sri H.T Ong and may other judges. There are numerous reported cases in the Law Reports which Thara Singh Sidhu handled over the years and his most important case was on Customary lands in Melaka.

Wherever Thara Sing Sidhu appeared before the judges, they always gave him a good hearing and the courtesy was accorded vice versa.

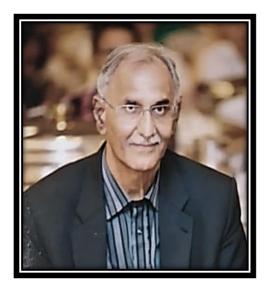
He continued his legal practice and enjoyed every movement of his legal practice and after his triple bypass, he slowed down his legal practice and took only a few matters a year as counsel for Melaka lawyers. The lawyers from Melaka used to consult him on complicated matters and he always would be happy to help any fellow lawyers.

Thara Singh Sidhu was a very loving father to his wife and to all his children. He is sadly missed and will always be in our hearts and mind.

KUSHVINDER SINGH A/L TARA SINGH

MR. AVATAR SINGH S/O RAM SINGH

(2ND JANUARY 1950 - 6TH AUGUST 2021)



We are here on a sad occasion, to pay our respects to the late Mr. Avatar Singh s/o Ram Singh who passed away on 6th August 2021. I was fortunate to have known him for more than 20 years. Although by nature a quiet man, he was nevertheless easily approachable and cordial. He led a disciplined and simple life. He did not accumulate material wealth. It was not in

his nature to be materialistic. The late Mr. Avatar would provide pro bono services sometimes paying disbursements out of his pocket, for deserving cases.

I must say that I was impressed by his humility and courteous disposition. He always gave due respect to his fellow practitioners. In my view, he maintained and upheld the best traditions of the Bar.

The late Mr. Avatar was born on 2nd of January, 1950, in Gemas Negri Sembilan. He was the youngest of 10 siblings. He attended Tunku Abdul Rahman School, Gemas, Negeri Sembilan for primary education, where besides excelling in academics, also excelled in sports, particularly hockey. Thereafter, his brilliant performance at Segamat High School qualified him for his Sixth form studies at Batu Pahat High, which then paved his way to university.

In the year 1973, the late Mr. Avatar obtained a degree in Bachelors in Arts, majoring in English from the University of Malaya. After completing his University Education, the late Mr. Avatar took up teaching English for a short period of time.

He then joined the Royal Malaysian Customs and served in Batu Pahat, Johore Bahru, Kuala Lumpur and finally in Melaka. It was while he was serving in Customs that he took up and obtained his law degree. He was then called to the Malaysian Bar. He went on with his studies. He obtained LLM degree in Maritime and Insurance Law.

At the time when he was holding the post of an Assistant Director of Customs, (Special Branch) he took optional retirement, and commenced practice as an Advocate & Solicitor with the firm of Messrs. S.K. Khoo & Tan Tian Tiok from 1992 to 1995.

From sometime in the year 1995, the late Mr. Avatar went into partnership with the legal firm of Messrs. Mohd Latip & Associates but due to poor health he retired around the year 2017. However, the urge to continue practice made him to set up his own legal firm under the name of Messrs. Avatar & Associates. By the year 2019, he had to cease practice due to deteriorating health.

Whilst in practice, he rendered public services actively and significantly as a member of the Rotary Club as well as a committee member of the Sikh Temple, Melaka for a number of years.

Our late Mr. Avatar left him surviving his soulmate, Ms. Lavinia whom he married on 22.11.1976. After about 45 years of marriage, they at all times always cherished each

other's affection and care. This was evident for all those who were close to the family.

Mrs. Avatar used to double up as his driver to send him and fetch him from Court and sometimes from office. Surely, she must have been the source of encouragement, motivation and support for all his achievements.

The late Mr. Avatar has two sons, Mr. Ram Roshan Singh who is 44 years, working as a financial manager and married to Kiran Khosa and the other, Mr. Simret Singh, who inspired by his late father, is a lawyer, aged 41 and married to Jaspreet Kaur. The late Mr. Avatar who had no daughters, treated both his daughters-in-law as his own daughters.

On behalf of all present, I extend my heartfelt condolences to Mrs. Avatar, her sons, daughters-in law and relatives.

BALA GOPAL

MADAM TAN CHEE LAN, MARIE

(13TH JANUARY 1943 – 19TH JUNE 2022)



Childhood Days

Chee Lan was born on 13th January 1943. The third child of six children, she resided at her family home in Kampung Hulu for most of her early life. For the majority of her schooling years, she attended SMK Canossa Convent where she participated actively in Girl Guides. She then

moved to Ipoh to study her Form 6 at St. Michael's, where she became the head girl. Following which, she decided to take a route unlike that of her elder siblings. While they went to Australia, Chee Lan decided to travel south to read law at the National University of Singapore (NUS).

She is fondly remembered by her two youngest siblings for motivating and coaching them in their studies. Indeed, since her schooling days, she had exhibited commendable leadership qualities, grit as well as perseverance.

Lawyering Days

Chee Lan began her legal career at Skrine & Co. under the tutelage of the late Dato Dr Sir Peter Mooney. Finding enjoyment in visiting and surveying property, she naturally focused on commercial law and conveyancing. During her initial years as a lawyer, she was involved in politics and was a member of MCA. However, to her, family took precedence and she weaned off politics when she had her children.

In 1970, back when Melaka had a legal fraternity which numbered less than 30 lawyers, Chee Lan made the bold move of starting Messrs. Vohrah and Tan Chee Lan with her husband, AC. While AC managed the firm's litigation practice, she took charge of the commercial wing. The office was situated on Jalan Gereja when it opened. Since then, the firm grew to become one of the larger and more established firms in this town. It sat on the panel of many local and foreign banks as well as insurance companies.

One of Chee Lan's key career highlights was her appointment to be the local guide and chaperone to Lord Denning. Being inspired by his judgement and wisdom, she encouraged AC and her children to read the books that the Judge had written. Another career high that her children distinctly recall was when she was asked to structure the first offshore loan in Melaka for the Ocean Palms development in Klebang. To Chee Lan herself, being handed this task was considered a feather in her cap.

Family Time

Chee Lan had four children, three boys (Manshaant, Aman Dev and Sanjay) and a girl (Apsara). Her children recount her being a doting mother who ensured that they had ample family time and activities to do on the weekends. It was usually in the form of visits to the park, seaside or short trips to Port Dickson. Memories of her falling asleep while reading to her young ones will forever stay imprinted in their minds. Although she was a working mother, she never failed to be present for her children and was always there to support and care for them.

Around 2007, she began spending more time away from the office. Instead, she often visited Singapore, where three of her children had settled down. She would shuttle up to Singapore and back to Melaka dividing her time between the two places. She equally enjoyed spending time in the company of her grandchildren as well as taking time to walk around her small palm oil holdings, her form of exercise and relaxation.

Good Works

Chee Lan was in the committee of the Board of Governors of SMK Canossa Convent for many years, in the Bar Council Conveyancing Practice Committee in the nineties and much involved in the setting-up and running of the Malacca Cancer Society.

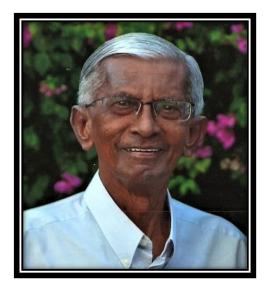
She also took a liking to tai chi and was elected the President of Persatuan Tai Chi Huang, Melaka when it was formed. Her interest in tai chi then spilled-over to her eldest son who began joining her for lessons during his stint as a lawyer in Melaka from 1996 to 1999.

To her loved ones, Chee Lan is remembered as exacting yet patient, wise and kind. She will forever be remembered as a caring wife, devoted mother, a loving daughter and sister and a doting and affectionate grandmother.

MANSHAANT VORAH

MR. FRANCIS HILARY D'CRUZ

(8TH JUNE 1935 – 18TH AUGUST 2022)



In Loving Memory And Appreciation Of Francis Hilary D'Cruz, Son, Brother, Father, Uncle, Grandfather, Member of The Bar And Great Malaccan

Francis Hilary D'Cruz was born in Kuala Lumpur on 8 June 1935, the eldest son of Francis Xavier D'Cruz and Joanna Miranda. At the onset of

World War Two, his parents sent him to India accompanied by his brother Antony to sit out the war at the beachfront home in the rural hamlet of Vettukad, Valiyathura in Trivandrum, Kerala.

The end of the war saw Hilary (his siblings, Antony and John return to Malaysia on the State of Madras, a steamship plying the Madras-Port Klang route. His father, who was then employed as Chief Clerk in an estate in Batang Melaka (and subsequently at Gadek Estate in Tampin) decided to make the family home within the historical city of Malacca - a sedate but growing urban township.

The young Hilary schooled in St Francis Institution participating in sports such as cricket, hockey, football and athletics for the school and going on the later represent Malacca state for hockey and cricket. He began to display signs of a future calling in secondary school winning the All-Malaya Schools' Oratory Competition in 1953, which is believed to be the only time the competition was won by a student from Malacca.

Impeccably punctual and punctilious, the young Hilary initially chose to adopt teaching as a profession, for which he trained in the Malayan Teacher Training College in Brinsford Lodge, England. He then returned to his Alma Mater upon graduation to teach from 1958 to 1964, and during this time settled down in the Melaka suburb of Bandar Hilir where he married Miss Rose Noel, a fellow-teacher, who was to be his lifelong partner and soulmate. Together with Rose, he raised 3 children, Natalie, Mark and Janice in their own home in the vicinity of Taman Muhibbah, a suburb on the Melaka seafront, and besides his children is survived by Rose, 2 sons-in-law, Luka and Krishan and 3 grandchildren, Meera, Samuel and Hannah.

After eight years of teaching, the adversarial and combative Hilary decided to forego the noble, albeit comparatively uneventful teaching profession, for the cut-and thrust of legal practice - and soon after his marriage, left for the United Kingdom to complete his studies in Law in Lincoln's Inn (1964-1967).

He returned to Melaka in 1968 to embark on what was to be an illustrious career in legal practice as a well-known and pioneer member of the Malacca Bar and the Malaysia Bar, first joining Messrs Shanmugam & Co as a pupil, and after being called to the Bar on 10 August 1967, joining a succession of firms such as Messrs Tay Leong Siak & Co, Messrs Vohrah and Tan Chee Lan, Messrs S. K. Khoo and Tan Tian Tiok (later known as M/s S. K. Khoo and Associates) and Messrs Kesavan and Associates, prior to his retirement.

In the period spanning five decades from 1967 to 2017, Hilary specialized in lead counsel work and conducted a large number of criminal and civil matters, appearing

regularly before many generations of judges in the Melaka High Court including former Federal Court judge Datuk Wira Wan Yahya bin Pawan Teh, former Federal Court judge Tan Sri Suriyadi Halim Omar, former Court of Appeal Judge Datuk Wira Low Hop Bing and current Court of Appeal Judge Datuk Vazeer Alam Mydin Meera.

Datuk Wira Wan Yahya did Hilary the honour of taking judicial notice of "*Mr D'Cruz's usual precision*" in the 1982 reported judgement of *Loy Chin Hei vs Public Prosecutor*, a decision in relation to section 41B of the Dangerous Drugs Act which has since been quoted with approval in a number of judgements, inclusive of one by none other than former Yang Di-Pertuan Agong and Lord President of the Federal Court Raja Azlan Shah.

Hilary was also renowned for his appellate counsel work, and had the distinction of first appearing in a criminal reference before the Federal Court as early as 1972, his fifth year of practice. He went on to appear regularly in appellate court matters before judges such as former Supreme Court Lord Presidents Tun Mohamed Suffian bin Mohamed Hashim and Tun Azmi bin Mohamed respectively and former Court of Appeal judge Datuk Seri Gopal Sri Ram.

Despite the raising a family and maintaining his practice, Hilary's affinity for sporting activities did not diminish when his playing days were over and he somehow found time to transfer his sporting passion and energy into sports officiating and umpiring. He was a Class One technical official and umpire with the Malaysian Amateur Athletic Union, Malaysian Cricket Association and Malaysian Hockey Federation between the early 60s to the mid-80s and was also the first Malaysian cricket umpire to be officially

recognized by the International Cricket Conference, the global governing body for the game.

In addition, whilst no longer in the field of education, Hilary continued to render service to his Alma Mater, serving as editor of The Franciscan (the school in-house publication), during which he painstakingly researched and produced the History of SFI under the heading "Down the Ages" (published in the Anniversary 1902-1977 issue) for the benefit of future Franciscans. In addition, Hilary also acted voluntarily as Legal Advisor to the De La Salle Brothers for some 50 years. In appreciation for his outstanding contribution to the De La Salle community in Melaka and St Francis Institution, Hilary was awarded the title of Benefactor of the Institute of the Christian Brothers in 2002, the Centenary year of the arrival of the St Francis Institution Christian Brothers in 1902.

It was a rare and thoroughly deserved honour for Hilary, who by all accounts was a community stalwart, a pillar of the Church, a dutiful servant to his Alma Mater, an ardent family man, a pioneering legal practitioner and a true-blue Melakan – his family and community has missed and continues to miss his engaging dynamic and inspirational presence.

RODNEY GERARD D'CRUZ

with thanks and appreciation to Janice and Natalie D'Cruz, Mr Malcolm Peters,
Ms How Su Fen, and the Malacca Bar for affording time to compile the above.