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THE JUDICIAL DEPARTMENT, FEDERATION OF MALAYA.

REGISTRAR'S CIRCULAR NO. 7 OF 1955


Production in Court of Documents registered
and kept under the Land Code, Cap.138

Attention has been drawn to the considerable inconvenience occasioned to Land Offices and to the Public when a litigant, who wishes to put in evidence an entry on the Registry of Titles, subpoenas the Collector of Land Revenue or a member of his staff to produce the volume concerned. These volumes are both bulky and valuable and their absence from the Land Office may occasion inconvenience to others who wish to search. Further the sanction of the Menteri Besar has to be obtained in each case, for the removal of the volume from the Land Office.

2. This should be explained to all litigants and legal practitioners applying for a subpoena duces tecum for such purpose, and it should be pointed out that a certified copy can usually be put in evidence instead under Sections 76 and 77 of the Evidence Ordinance 1950. But it must be realized that the Court cannot in the ordinary case refuse a subpoena; it can only suggest that the other course is better. And it must be realized that cases do occur at times where the production of the original is a necessity.

3. I am informed that the cost of a certified copy is \$1.00 per folio of 100 words, and therefore it seems that the production thereof will seldom exceed the cost of a subpoena and may well be less.

4. The principle involved would appear to apply in other cases where it is desired to put public documents in evidence and should not be overlooked in such cases.


(D.H. SHACKLES)
REGISTRAR.

The Federal Registry,
Supreme Court,
Federation of Malaya,
Kuala Lumpur. 17th June, 1955.
(RSC.39/54: RSC.67/55: DHS/tkc)

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