
ACCLIME CORPORATE SERVICES SDN BHD &ANOR
v.
WONG YOUN KIM &ANOR

High Court Malaya, Kuala Lumpur
Raja Ahmad Mohzanuddin Shah J
[Civil Suit No: WA-22NCvC-647-10/2024]
6 February 2026

Case(s) referred to:

Malaysia Debt Ventures Berhad v. Platinum Techsolve Sdn Bhd &Ors [2021] 1 MLRA 137 (refd)
Yekambaran Marimuthu v. Malayawata Steel Berhad [1993] 4 MLRH 380; [1994] 2 CLJ 581 (refd)

Legislation referred to:

Rules of Court 2012, O 24 rr 7, 8, 12(1), 13, 16

Counsel:

For the plaintiffs: Joshua Teoh Beni Chris (Teng Wei Hun & Agnes Teh with him); M/s Skrine
For the 1st defendant: Cheah Teh Su (Chok Zhin Theng & Chok Zhin Theng with him); M/s Cheah Teh Su
For the 2nd defendant: Cheong Su Yin (Tan Zhi Ching with him); M/s Cheong Su Yin & Co

[Allowing enclosure 90 with costs in the cause.]

Case Progression:

High Court: [2025] MLRHU 1556

JUDGMENT

Raja Ahmad Mohzanuddin Shah J:

[Enclosure 90]

Preliminary

[1] As set forth in encl 90, the 1st Defendant seeks discovery of documents under O 24 rr 7, 8, 12, 13 and 16 of the Rules of Court 2012 ("ROC").

[2] The following are the relevant prayers reproduced from encl 90:

- (a) all correspondences (including but not limited to by emails, letters, etc.) between any of the plaintiffs' clients that were formerly managed



by the 1st Defendant (including those listed in Appendix B of the plaintiffs' Amended Statement of Claim dated 9 January 2025) ("Clients") from start of 2022 to end of 2024 regarding:

- (i) the merger between the 2nd Plaintiff and the 1st Plaintiff ("merger");
- (ii) any assurance that the merger will not affect the professional fees and level of service provided to the client;
- (iii) any change and/or increase of professional fees;
- (iv) any demands for payment of outstanding sums;
- (v) any resignation by any of the plaintiffs from its appointments by the clients (including resignations due to non-payment of outstanding sums by clients); and
- (vi) the clients' intended termination and/or termination of the plaintiffs' services;

including but not limited to any response by the clients and/or any of the plaintiffs of any of the aforesaid matters; and

(b) all communications (including but not limited to by phone messages, WhatsApp messages, emails, letters, etc.) by Henry Ng Heng Hooi ("Henry"), a director of the 1st and 2nd Plaintiffs to other directors, employees, and/or personnel of any of the plaintiffs from start of 2022 to end of 2023 regarding derogatory remarks against the 1st Defendant;

("collectively documents");

[3] There has been an objection to encl 90 by the plaintiffs.

Case Facts: An Overview

[4] As a group of companies in several Asian countries, including Malaysia, Acclime Group specialises in providing corporate secretarial services.

[5] The 1st Plaintiff is a member of the Acclime Group.

[6] The 2nd Plaintiff is also involved in the business of providing corporate secretarial services.

[7] After an acquisition completed on 31 December 2021, the 2nd Plaintiff became wholly owned by the 1st Plaintiff.

[8] Prior to 16 January 2012, the 1st Defendant served on the board of directors of the 2nd Plaintiff and was employed by the 2nd Plaintiff from 2



May 2010 to 30 June 2022.

[9] With effect from 1 July 2022, the 1st Defendant's employment was transferred from the 2nd Plaintiff to the 1st Plaintiff following the acquisition of the 2nd Plaintiff by the 1st Plaintiff.

[10] The 1st Defendant resigned from her position with the 1st Plaintiff on 15 January 2023, and she last worked for the 1st Plaintiff on 30 June 2023.

[11] While the 1st Defendant was still employed by the 1st Plaintiff and a director of the 2nd Plaintiff, the 2nd Defendant was incorporated by the 1st Defendant's husband.

[12] The 2nd Defendant provides business management consulting services, including secretarial work.

[13] On 31 January 2023, the 1st Defendant also became the company secretary of the 2nd Defendant.

[14] Upon resigning from the Acclime Group, the 1st Defendant and the plaintiff entered into an Independent Contract Agreement dated 30 June 2023.

[15] It was then discovered that the 1st Defendant had downloaded confidential information belonging to the plaintiffs.

[16] The plaintiffs then commenced this action against the defendants on a variety of grounds, including breach of confidentiality, breach of fiduciary duties, breach of employment contracts, solicitation of their clients and/or interference with plaintiffs' business plans.

[17] On 6 May 2025, this court granted the plaintiffs' application for a Protective Order to preserve confidential information and to limit its disclosure to the relevant parties.

[18] On 6 June 2025 and 10 June 2025, the plaintiffs sent their proposed documents to the defendants' solicitors for classification.

[19] Subsequently, the 1st Defendant's solicitors sent a letter to the plaintiffs' solicitors on 14 July 2025 requesting the following information and documents:

(a) all correspondences between the 1st Plaintiff and the clients that were formerly managed by the 1st Defendant that the 2nd Plaintiff had merged with the 1st Plaintiff in July 2022 and assurances were given that the merger will not affect *inter alia* the professional fees and level of service provided to the clients, including but not limited to the clients' response on this matter and the plaintiffs' response to the clients on this matter;

(b) all correspondences between the plaintiffs and the clients between



2022 to 2024 on change and/or increase of professional fees, including but not limited to the clients' response on this matter and the plaintiffs' response to the clients on this matter;

(c) all correspondences between the plaintiffs and the clients between 2022 to 2024 on the plaintiffs' demands for payment of the outstanding sums, including but not limited to the clients' response on this matter and the plaintiffs' response to the clients on this matter;

(d) all correspondences between the plaintiffs and the clients between 2022 to 2024 on the plaintiffs' resignation of their appointment (including resignations due to non-payment of outstanding sums by clients), including but not limited to the clients' response on this matter and the plaintiffs' response to the clients on this matter;

(e) all correspondences between the plaintiffs and the clients between 2022 to 2024 on the clients' intended termination and/or termination of the plaintiffs' services, including but not limited to the clients' response on this matter and the plaintiffs' response to the clients on this matter.

(f) all communications by Henry Ng Heng Hooi between 2022 to 2023 to the other directors, employees, and/or personnel of the plaintiffs showing Henry had made derogatory remarks against the 1st Defendant;

(g) all letters of resignation tendered between 2022 to 2023 by the former employees of the 2nd Plaintiff; and

(h) Acclime's Employee Handbook and Acclime's Confidential Information Policy.

[20] In their letters dated 4 August 2025 and 18 August 2025, the plaintiffs' solicitors provided the following documents to the 1st Defendant's solicitor:

- (a) The 2nd Plaintiff's letter to all clients;
- (b) Confidential Information Policy;
- (c) Acclime Employee Handbook; and
- (d) Resignation letters of various employees,

[21] The Discovery Application in encl 90 was then served on the plaintiffs on 29 September 2025.

Court's Analysis And Findings

[22] Let me begin by referring to the relevant procedural law governing discovery applications which the 1st Defendant is relying on.



[23] To start with, I will refer to O 24 r 7 of the ROC, which states:

7. Order for discovery of particular documents. (O. 24, r 7)

(1) Subject to r 8, the court may at any time, on the application of any party to a cause or matter, make an order requiring any other party to make an affidavit stating whether any document specified or described in the application or any class of document so specified or described is, or has at any time been, in his possession, custody or power, and if not then in his possession, custody or power when he parted with it and what has become of it.

(2) An order may be made against a party under this rule notwithstanding that he may already have made or been required to make a list of documents or affidavit under r 3.

(3) An application for an order under this rule shall be supported by an affidavit stating the belief of the deponent that the party from whom discovery is sought under this rule has, or at some time had, in his possession, custody or power the document, or class of document, specified or described in the application, and that it falls within one of the following descriptions:

(a) a document on which the party relies or will rely;

(b) a document which could:

(i) adversely affect his own case;

(ii) adversely affect another party's case; or

(iii) support another party's case; and

(c) a document which may lead the party seeking discovery of it to a series of inquiries resulting in his obtaining information which may:

(i) adversely affect his own case;

(ii) adversely affect another party's case; or

(iii) support another party's case.

(4) An order under this rule shall not be made in any cause or matter in respect of any party before an order under r 3 has first been obtained in respect of that party, unless, in the opinion of the court, the order is necessary or desirable.



[24] As for O 24 r 8 of the ROC, it states:

8. Discovery to be ordered only if necessary (O 24, r 8)

On the hearing of an application for an order under rr 3, 7 or 7A, the court, if satisfied that discovery is not necessary, or not necessary at that stage of the cause or matter, may dismiss or adjourn the application and shall in any case refuse to make such an order if and so far as it is of the opinion that discovery is not necessary either for disposing fairly of the cause or matter or for saving costs.

[25] According to O 24 r 12(1) of the ROC:

12. Order for production to Court (O 24, r 12)

(1) At any stage of the proceedings in any cause or matter the court may, subject to r 13(1), order any party to produce to the court any document in his possession, custody or power relating to any matter in question in the cause or matter that falls within one of the following descriptions:

(a) documents on which the party relies or will rely;

(b) documents which could:

(i) adversely affect a party's case; or

(ii) support a party's case; and

(c) documents which may lead to a series of inquiries resulting in the obtaining of information which may:

(i) adversely affect a party's case; or

(ii) support a party's case

(2) The court may deal with the documents when produced in pursuance of an order made under paragraph (1) in such manner as it thinks fit.

[26] Next, I will refer to O 24 r 13 of the ROC, which provides:

Production to be ordered only if necessary (O 24, r 13)

13. (1) An order for the production of any documents for inspection or to the court shall not be made under any of the foregoing rules unless the court is of the opinion that the order is necessary either for disposing fairly of the cause or matter or for saving costs.



(2) Where on an application under this Order for production of any document for inspection or to the court, privilege from such production is claimed or objection is made to such production on any other ground, the court may inspect the document for the purpose of deciding whether the claim or objection is valid.

[27] I will conclude by referring to O 24 r 16 of the ROC, which provides:

Failure to comply with requirement for discovery (O 24, r 16)

16. (1) If any party who is required by any of the foregoing rules, or by any order made thereunder, to make discovery of documents or to produce any documents for the purpose of inspection or any other purpose fails to comply with any provision of that rule or with that order, as the case may be, then, without prejudice, in the case of a failure to comply with any such provision, to r 11(1), the court may make such order as it thinks just including, in particular, an order that the action be dismissed or, as the case may be, an order that the defence be struck out and judgment be entered accordingly.

(2) (There is no paragraph (2))

(3) (There is no paragraph (3))

(4) (There is no paragraph (4))

(5) A party who is required by any rule in this Order, or by any order made thereunder, to make a discovery of documents or to produce any document for the purpose of inspection or any other purpose, but who fails to comply with any provision of that rule or with that order, as the case may be, may not rely on those documents save with the leave of the court.

[28] Before I proceed with the merits of the application, I will discuss the principles that must be satisfied before a discovery order may be granted. This was highlighted in *Yekambaran Marimuthu v. Malayawata Steel Berhad* [1993] 4 MLRH 380; [1994] 2 CLJ 581, where His Lordship Edgar Joseph Jr. SCJ observed at p 585:

The essential elements for an order for discovery are threefold; namely, first there must be a "document", secondly, the document must be "relevant" and thirdly, the document must be or have been in the "possession, custody or power" of the party against whom the order for discovery is sought.

It is indisputable, that the items of which discovery is sought are documents and that they are in the possession, custody or power of the defendant and nothing more need be said about this.



As to "relevance", our Rules of the High Court limit discovery to documents which are "relevant to" or "relate" to the factual issues in dispute.

More particularly, the discovery obligation applies to documents "relating to matters in question in the action" [Rules of the High Court, O 24 r 1(1)] or "relating to any matter in question in the cause or matter" [O 24 r 3(1)]. In practice, relevance is primarily determined by reference to the pleadings but there need not be a pleading for a matter to be said to be in issue. (See *Phillips v. Phillips* [1879] 40 LT 815, 821).

In this context, relevance is defined broadly. It does not extend to documents relevant merely to a party's credibility unless that itself is a fact in issue. (See *George Ballantine & Sons Ltd v. Dixon & Son Ltd* [1974] 1 WLR 1125). If, however, the document's relevance is to a fact in issue, not simply to credibility, it has long been settled that relevance of an indirect kind suffices.

The classic authority, on the test for relevance in the context of discovery is *Compagnie Financiere du Pacifique v. Peruvian Guano Co* [1882] 11 QBD 55 where Brett LJ said this (p 63);

It seems to me that every document relates to the matters in question in the action, which not only would be evidence upon any issue, but also which, it is reasonable to suppose, contains information which may - not which must - either directly or indirectly enable the party requiring the affidavit either to advance his own case or to damage the case of his adversary. I have put in the words "either directly or indirectly", because, as it seems to me, a document can properly be said to contain information which may enable the party requiring the affidavit either to advance his own case or to damage the case of his adversary, if it is a document which may fairly lead him to a train of inquiry, which may have either of these two consequences...

[29] The merits of the 1st Defendant's discovery application will now be discussed.

[30] As a result of the plaintiffs' refusal to provide her with the documents she sought after receiving the plaintiffs' documents, the 1st Defendant claims that she was left with no choice but to file a discovery application after discovering that the documents served were insufficient to enable her to effectively defend herself.

[31] The plaintiffs, who refused to provide the documents requested by the 1st Defendant, asserted that the request was too broad, vague, and aimless since it covered approximately 1,200 entities. According to them, the documents



sought by the 1st Defendant at that stage were not reasonably specified and/or explained in any way why they were relevant to the issues to be tried, which documents the plaintiffs were not aware of.

[32] After reviewing the parties' written submissions and hearing their arguments on the relevant issues posed for my determination, I have drawn the following conclusions and findings.

[33] Regarding the question of whether these documents exist, the 1st Defendant argues that they are in the plaintiffs' possession, custody, or control. According to the 1st Defendant, she was the one dealing with the clients while she was working for the 1st Plaintiff. This was when she personally saw the documents. However, since she is no longer employed by the 1st Plaintiff, she is no longer able to access them. As for the existence of the documents, the plaintiffs do not expressly deny their existence.

[34] Instead, the plaintiffs claim that the defendant has failed to adequately identify the documents she is seeking. Her description of all correspondence between the plaintiffs and the plaintiffs' clients for a period of two (2) years relating to various matters is vague and overly broad, including the date of the documents, the identity and recipients of those documents, and the mode of the correspondence, such as whether it was email or letter correspondence.

[35] Having considered the arguments of both parties, I find that the 1st Defendant has described the documents she wants with reasonable precision in items (a) and (b) of encl 90 as illustrated above.

[36] In this instance, they relate not only to all correspondence between the plaintiffs and the 1st Plaintiff's clients that were formerly managed by the 1st Defendant in the period from the start of 2022 to the end of 2024 concerning the merger between the 2nd Plaintiff and the 1st Plaintiff but also any assurances given that the merger will not affect the professional fees and level of service to those clients.

[37] Apart from that, the requested documents also tend to show any changes and/or increases in professional fees, any demands for payment of outstanding sums, the resignation of plaintiffs from their appointments by clients, as well as whether any clients intend to terminate their services with the plaintiffs. In addition, all communications between the plaintiffs' director and other employees of the plaintiffs' company regarding derogatory remarks directed at the 1st Defendant for the period of between 2022 and 2023 will be sought.

[38] Furthermore, the 1st Defendant has fulfilled another important requirement on the existence of those documents by demonstrating that the plaintiffs have admitted in their Reply that they have the power to perform all acts as raised by the 1st Defendant in their usual course of action. As a result, it is likely that the plaintiffs possess, control, or have the authority to disclose the documents. Also, the plaintiffs do not explicitly deny any documents related to such derogatory remarks, except to say they couldn't confirm that they existed.



[39] To conclude on this point, despite encl 90 mentioning 'all documents', the findings presented here do not indicate that it is a catch-all order. Moreover, I must keep in mind that the plaintiffs' allegations were also widely canvassed on general factual and documentary evidence, which allegedly caused the plaintiffs' clients to leave them in order to engage the services of the 2nd Defendant.

[40] As a next step, it is now necessary for me to determine whether those documents are relevant to this dispute.

[41] It is the 1st Defendant's contention that those documents are relevant to this case because they all relate to the central issues in question arising from the parties' pleaded cases, namely whether the 1st Defendant caused the clients to terminate the 1st Plaintiff's services and appoint the 2nd Defendant or whether the former employees left the 1st Plaintiff and joined the 2nd Defendant.

[42] To this end, the 1st Defendant further argues that these documents are crucial since they are likely to support the 1st Defendant's pleaded claim that the clients terminated the 1st Plaintiff's services and the former employees had left the plaintiffs to join the 2nd Defendant on their own volition as a result of the plaintiff's own mismanagement of the business and who also terminated the services of the 1st Plaintiff. This is why the 1st Defendant claims that these documents can adversely affect the plaintiffs' pleaded claim that the 1st Defendant caused the clients to terminate the 1st Plaintiff's services and appoint the 2nd Defendant or that the former employees of the 1st Plaintiff quit the 1st Plaintiff and joined the 2nd Defendant.

[43] Further, the 1st Defendant contends that those documents are essential for the court to determine the central pleaded issues, which are critical to support her case and adversely affect the plaintiffs' case.

[44] However, the plaintiffs claim that the documents sought are irrelevant to the 1st Defendant's defence and counterclaim since even if some of the plaintiffs' clients were unhappy with the plaintiffs' services or management, that does not exempt the 1st Defendant from her responsibilities. It is also the plaintiffs' position that the 1st Defendant has not adequately demonstrated how each document sought might support her case or hurt the plaintiffs' case.

[45] In order to make my determination in relation to this issue, it is necessary for me to seek guidance from an authority that must be referred to when facing the question of whether, even if the documents are relevant, are they still necessary to resolve the dispute between the parties? In *Malaysia Debt Ventures Berhad v. Platinum Techsolve Sdn Bhd & Ors* [2021] 1 MLRA 137, His Lordship S. Nantha Balan JCA outlined the principles of equating relevance with necessity. His Lordship observed at pp 43 & 44:

[198] Further, it is also imperative for the respondents to establish that the DSA is necessary. Relevance cannot be conflated with necessity,



as what is relevant may not be necessary.

[199] In our view, the question as to whether the document for which disclosure is sought is necessary is an important and, we might add, pivotal component for the order of discovery under O 24 r 7 ROC. Indeed, O 24 r 8 ROC also makes it imperative for the court to refuse discovery if it is satisfied that discovery was not necessary.

...

[202] In our view, the proper approach to the question of whether discovery is "necessary" may be gleaned from the case of *Bayerische Hypo-und Vereinsbank AG v Asia Pacific Breweries (Singapore) Pte Ltd and other applications* [2004] SGHC 155; [2004] 4 SLR (R) 39 ("Bayerische") where the High Court of Singapore at para [37] stated as follows:

"The ultimate test is whether discovery is necessary for disposing fairly of the proceedings or for saving costs. An assertion that the documents are relevant will not be good enough. Equally, an assertion that the documents are necessary because they are relevant will not be enough."

[46] Having examined the parties' respective arguments on this point, I find that the 1st Defendant has not only demonstrated the relevance of the documents, but has also met the test of necessity.

[47] Having concluded so, I find that the 1st Defendant has established in a very clear and comprehensive manner, as shown by Appendix A to her written submission dated 20 November 2025, that the documents are relevant to the plaintiffs and the 1st Defendant's pleaded cases, including the plaintiffs' denial of the relevant and crucial issues raised by the 1st Defendant as pleaded in her defence and counterclaim. As part of her defence, the 1st Defendant pleaded that the 1st Plaintiff had communicated with the clients and approached them without her knowledge in order to pressure and demand that they pay the outstanding fees immediately, while simultaneously increasing the 2nd Plaintiff's fees, and threaten legal action against non-payment of invoices. These events took place after the merger. The 1st Defendant is claiming here that those events resulted in the clients leaving the 2nd Plaintiff voluntarily. Meanwhile, according to the plaintiffs, it was authorised to do so following the acquisition of the 2nd Plaintiff. They illustrate some of the points made in Appendix A.

[48] Due to the same, it goes without saying that those documents are relevant for the 1st Defendant to prepare her defence as comprehensively as she intends. In this regard, disallowing the discovery application would amount to unfairly preventing the 1st Defendant from properly defending herself, given the specific nature of the plaintiffs' cause of action.

[49] Hence, I believe it is in the parties' best interest to make everything



available so that an extensive evaluation of whether it benefits the 1st Defendant or the plaintiff can be done.

Conclusion

[50] In light of the above, I hereby allow encl 90 with costs in the cause of this action.

