



## **NAGARAJAH MUTTIAH**

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Lincoln's Inn

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**PRACTICE AREAS**  
Arbitration  
Construction  
Engineering  
General & Civil Litigation  
Insurance  
Shipping & Aviation

### **Profile Summary**

Nagarajah is the firm's current Managing Partner and heads the General & Civil Litigation Department, the International & Domestic Arbitration Department and the Shipping & Insurance Department. He was called to the English Bar in 1979 and was subsequently called to the Malaysian Bar in 1980.

Nagarajah's experience and expertise in the areas of shipping litigation and maritime insurance has been recognized in Chambers Asia Pacific 2010 - 2013. He also authored the Malaysian chapter to the 2nd Edition of William Tetley's Maritime Liens and Claims. Amongst other notable achievements and affiliations, he is the immediate past President and is now a committee member of the Malaysian Maritime Law Association. He has presented a number of papers over the years as a member of the International Bar Association and the International Pacific Bar Association.

Known for his work in the insurance industry, Nagarajah and his team of lawyers regularly handle complex insurance and reinsurance disputes. Recently, Nagarajah and his team led negotiations on behalf of a leading Malaysian insurer with a leading reinsurer from the Middle East and the Labuan Offshore Financial Services Authority of Malaysia (LOFSA), which finally culminated in a landmark out-of-court settlement agreement between the parties premised on commutation clauses found in the motor quota share treaties.

Nagarajah is an active practitioner in the areas of international and domestic arbitration and has previously acted as an arbitrator. He is also a familiar personality in all levels of the Malaysian court including the Court of Appeal and the Federal Court and frequently appears as counsel for intricate or complex cases.

### **List of Notable Published Cases Handled**

#### **2016**

Zaharen bin Haji Zakaria v Redmax Sdn Bhd and other appeals [2016] 5 MLJ 91, Court of Appeal

#### **2015**

Network Pet Products (M) Sdn. Bhd. v Royal Canin SAS & Anor [2015] 4 MLJ 525, Court of Appeal

#### **2011**

Ho Hup Construction Co Bhd v Government of Madagascar and another appeal [2011] 3 MLJ 694, Court of Appeal

#### **2011**

Terengganu Forest Products Sdn. Bhd. v Cosco Container Lines Co. Ltd. & Anor [2011] 1 MLJ 25, Federal Court

#### **2011**

HSBC Bank Malaysia Bhd v Dharani Sugars & Chemical Ltd and another appeal [2011] 1 MLJ 52, Federal Court

## **2010**

Lombard Commodities Limited v Alami Vegetable Oil Products Sdn. Bhd. [2010] 2 MLJ 23, Federal Court

## **2009**

Woodsville Sdn Bhd v Tien Ik Enterprises Sdn Bhd & Ors - [2009] 3 MLJ 191, Court of Appeal

## **2008**

Malaysian Newsprint Industries Sdn Bhd v Perdana Cigna Insurance Bhd & Ors [2008] 2 MLJ 256, Court of Appeal

## **2008**

OSK Securities Berhad v Probo Pacific Leasing Pte Ltd & Anor [2008] MLJU 769, Court of Appeal

## **2001**

Eckhardt Marine GMBH v Sheriff, High Court of Malaya, Seremban & Ors [2001] 4 MLJ 49, Court of Appeal

## **1995**

Inter Maritime Management Sdn Bhd v Kai Tai Timber Co Ltd, Hong Kong [1995] 1 MLJ 322, Court of Appeal

## **1994**

Eikobina (M) Sdn Bhd v Mensa Mercantile (Far East) Pte Ltd [1994] 1 MLJ 553, Supreme Court

## **Professional Memberships**

- Member of the Malaysian Bar
- Member of the International Bar Association
- Immediate Past President and now committee member of the Malaysian Maritime Law Association

## **Accolades**

*'The firm also has an active international and domestic arbitration team, led by Nagarajah Muttiah. Muttiah is also deputy head of insurance, and is praised for his "quality of opinion and responsiveness" – Asialaw Profiles 2015*

*Nagarajah Muttiah was listed under the Legal 500 Asia Pacific 2014 as a recommended lawyer in the area of Dispute Resolution.*

*'Nagarajah Muttiah is the key practitioner at Shook Lin & Bok for shipping matters, and has a solid reputation for his long-standing experience in the market. He has a broad practice with an emphasis on insurance, cargo and hull claims.' – Chambers Asia-Pacific 2013*

*'Nagarajah Muttiah of Shook Lin & Bok has a thriving shipping practice primarily advising P&I clubs and shipowners. He specialises in insurance, hull and cargo claim matters' – Chambers Asia 2012*

*'Nagarajah Muttiah of Shook Lin & Bok works on wet and dry shipping litigation, including cargo and damage claims and charter party agreements. He also handles corporate disputes' – Chambers Asia 2010*

### **Firm's Overview**

Shook Lin & Bok is an award-winning full service firm and one of most well-established in Malaysia, offering a comprehensive range of legal services spanning the globe. Such services range from civil and commercial practice, banking and finance, international arbitration, litigation disputes and intellectual property.

Ranked in 2017 as a Top Tier firm by famed research houses *Legal500* and *Chambers & Partners*, the firm's dispute resolution practice has continuously thrived with the combined strengths of the General & Civil Litigation Department, Banking & Finance Litigation Department and International & Domestic Arbitration Department as its key practice contributors. The integral aspect of the services provided for this practice is to advise clients on overall litigation strategy especially in complex disputes and also to participate, lead and advise clients in any settlement negotiations. The litigation team has been involved in many high profile civil cases with a well-established niche in the shipping and aviation practice complemented by a strong domestic and international arbitration practice.

Over the years, the litigation team has acted for clients across industries, including governmental bodies, corporate organisations and private individuals. More notably, the team acted on behalf of The United States Department of Justice in the case of *The United States of America v Shearn Delamore & Co and Drew & Napier & Ors [2007] 8 MLJ 654* in a complex contract dispute involving multimillion dollar admiralty suits.