

EXTENSION OF TIME IN COMMENCEMENT OF ARBITRATION
PROCEEDINGS

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A master's project report submitted in partial fulfillment of the
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“I declare that this Master Research Project entitled “Extension of Time in Commencement of Arbitration Proceedings” is the result of my own research and that all sources are acknowledged in the references. The project report has not been accepted for any degree and is not concurrently submitted in candidature of any other degree.”

Signature :

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Date :

DEDICATION

~To my beloved family for your love and prayers~

~To my siblings for your love and support me to finish my study~

~I love you all~

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ABSTRACT

Arbitration may be defined as a method of settling disputes and differences between two or more parties. The high court has power with respect to the appointment of arbitrator and umpires, revocation of their authority at the instance of the parties to an arbitration agreement or otherwise and to make consequential orders, to grant an extension of time for making an award by the arbitrator or for the commencement of arbitration proceedings under an arbitration agreement which has a time limit clause. The objective of this study is to identify the circumstances that to the court will give an extension of time for commencing of arbitration proceedings. In this study, the core reason for the court to grant an extension of time for commencement of arbitration proceedings is to relieve the parties if the undue hardship that might be caused by time-limit clauses in the agreement. This research is based on the arbitration cases that was brought to the court. Acquisition of case information is through "Malaysian Law Journal (MLJ)". However, the cases involved are analysed and studied through the requirements needed for extension of time. According to the study, the cases that meet the requirements for an extension of time will be awarded by the court to extend the time for commencing of court proceedings. The requirement for approving extension of time include the length of the delay, the amount at stake, the degree of blameworthiness, the plaintiff misled and the delay no prejudice to defendant.

ABSTRAK

Timbangtara boleh ditakrifkan sebagai satu kaedah menyelesaikan pertikaian dan perbezaan antara dua pihak atau lebih. Mahkamah tinggi mempunyai kuasa mengenai pelantikan penimbang tara dan pengadil, pembatalan kuasa mereka atas kehendak pihak-pihak kepada suatu perjanjian timbang tara atau selainnya dan membuat perintah yang berbangkit, untuk memberikan pelanjutan masa untuk membuat award oleh Penimbang atau untuk permulaan prosiding timbangtara di bawah suatu perjanjian timbangtara yang mempunyai satu klausa had masa. Jadi, objektif kajian ini adalah untuk mengenal pasti keadaan berkaitan kepada mahkamah untuk memberikan pelanjutan masa untuk memulakan prosiding timbang tara. Dalam kajian ini, sebab utama bagi mahkamah untuk memberikan pelanjutan masa untuk memulakan fasal timbang tara adalah untuk memberikan bantuan kepada pihak-pihak jika kesusahan yang tidak wajar yang mungkin disebabkan oleh had masa dalam perjanjian timbangtara. Penyelidikan ini berasaskan kes-kes timbangtara yang dibawa kepada mahkamah. Pemerolehan data - data kes adalah melalui "Malaysian Law Journal (MLJ)". Walau bagaimanapun, kes-kes yang terlibat dianalisis dan dikaji melalui keperluan yang diperlukan untuk lanjutan masa. Menurut hasil kajian, kes yang menepati keperluan untuk lanjutan masa akan dianugerahkan oleh mahkamah untuk melanjutkan masa untuk prosiding mahkamah.