

GENERAL INFORMATION

What Is Small Claim Court?

It is a specific kind of court that hears cases between an individual plaintiff and a defendant whereby the amount claimed does not exceed RM5,000. The purpose of this nature of case is to avoid the need for lengthy and expensive lawsuits. Both parties are not allowed to be represented by a legal counsel except where the defendant is required by law to be represented by an authorized person. All proceedings involving small claim cases will be heard and decided by a Magistrate. The procedures for small claim cases is governed by Order 93 of the Rules of Courts 2012.

How to file a Small Claim Case?

For the Plaintiff:-

a) Manual Process

- Go to the nearest Subordinate Court Registry and ask for Small Claim form i.e. Writ in Form 198.
- Prepare 4 copies and please ensure that your form and claim is duly completed.
- Submit the completed form to the Subordinate Court's Registry.
- The court will inform you the hearing date.
- The Plaintiff must serve the sealed Writ on the Defendant and file the Affidavit of Service. The fee is RM8.00.

b) Online Process

- Subscribe as a user. The subscription is free of charge.
You can visit the website at: <https://judiciary.kehakiman.gov.my/portals/>
- Fill in the pre-registration steps by login into the system. You can either fill in the e-form/template or upload the documents into the system.
- Reference slip will be emailed to your registered email once you have fill in all required details of the case.

- Bring the reference slip to the counter of the Subordinate Court's Registry and pay the prescribed fees.
- The Court staff will assist in completing the registration process.
- All notifications of the case will be done through email.
- The case number will be used as reference for future dealings.
- Secondary filings must be done via online.

For the Defendant (*individual*):-

a) Manual Process

- After being served with the sealed Form 198 from the Plaintiff, go to the nearest Subordinate Court Registry and ask for Small Claim form i.e. defence and counterclaim (if any) in Form 199.
- File your defence within 14 days from the date of the service. Failing to file defence within 14 days from date of service or fail to attend the small claim hearing, the judgment will be entered against you and the plaintiff will get a judgment sum as claimed.

b) Online Process

- Subscribe as a user. The subscription is free of charge.
You can visit the website at: <https://judiciary.kehakiman.gov.my/portals/>
- Search the case by key in the case number.
- Click on the secondary filing menu to file your defence and counterclaim (if any). You can either fill in the e-form/template or upload the documents into the system.
- Reference slip will be emailed to your registered email once you have submitted your defence and counterclaim (if any).
- Bring the reference slip to the counter of the Subordinate Court's Registry and pay the prescribed fees.
- The Court will assist in completing the filing process.
- All notifications of the case will be done through email.

Filing Fees

No.	Type of Document	Form	Fee
1.	Writ	198	RM20.00
2.	Statement of Defence / Counterclaim	199	RM8.00
3.	Defence to Counterclaim	200	RM8.00
4.	Judgment for Plaintiff where Defendant did not file Statement of Defence	201	RM40.00
5.	Judgment for Plaintiff where Defendant Absent	202	RM40.00
6.	Judgment for Defendant where Plaintiff Absent	203	RM40.00
7.	Judgment where Defendant Admits Claim	204	RM40.00
8.	Application for Setting Aside Judgment or Order	205	RM20.00
9.	Consent Judgment	206	RM40.00
10.	Judgment After Hearing	207	RM40.00
11.	Notice to Judgment Debtor to Show Cause in the Magistrates' Court	208	RM20.00

What happen during Small Claim Hearing?

- The hearing of the small claim will be conducted by the Magistrate.
- Parties may consult the lawyer but cannot be represented by the lawyer during the hearing.
- The plaintiff must prove his or her claim against the defendant by producing witnesses and tendering documentary evidence.

- The defendant have to defend the claim by producing witnesses and tendering documentary evidence.
- The Magistrate will make his or her decision, either to allow or dismiss the claim at the end of the hearing.
- The Magistrate's judgement is final and neither party can appeal to a higher court.
- The Court may award costs not more than RM100 to any party.

What to do with the Court Order?

- In the case whereby the Defendant fails to file his defence within 14 days from the date of service, the Court may enter a judgment against the Defendant. The Plaintiff must file a judgment in Form 201 and serve personally on the Defendant.
- In the event the Defendant is absent during the hearing, the Court may enter a judgment against him as in Form 202 and when the Plaintiff is absent, judgment may be entered against him shall be in Form 203.
- The Defendant has a right to apply for the judgment or order to be set aside by filing the Application for setting aside judgment or order in Form 205.
- If the person against whom the judgment is made (“Judgment Debtor”) has not complied with the said judgment, the Court may, after receiving a notice to show cause in Form 208 from the winning party, give orders as follows:
 - a) order a writ of seizure and sale in Form 84 to the Judgment Debtor;
 - b) allow the Judgment Debtor time to settle the judgment debt or pay the debt by instalments; or
 - c) order the Judgment Debtor to be committed to prison.