



**Afa Binti Radzi**  
**Partner**

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Aufa is a litigation and dispute resolution partner with extensive experience across a broad spectrum of civil and commercial disputes. Her areas of expertise include restructuring and insolvency, banking and financial disputes, judicial review, land acquisition, land law, tort, defamation, contract, and trust matters.

She has appeared before the High Court, Court of Appeal, and Federal Court of Malaysia, including conducting trials, appeals, leave applications, and arbitration proceedings. She also represents clients in arbitration and has acted in proceedings to enforce or challenge arbitral awards in court.

She regularly acts for financial institutions in defending claims brought by borrowers and third parties, particularly in matters challenging the bank's security, enforcement rights, and recovery actions.

In her leadership role, Afa oversees the firm's debt recovery portfolio, managing a wide range of enforcement and execution matters. She has successfully streamlined and improved internal workflows, resulting in greater efficiency and consistency in recovery outcomes for institutional clients.

Her legal practice is complemented by international academic exposure, having earned a Master's degree in International Relations from Hacettepe University, Turkey, under a full Turkish Government scholarship.

**Key Practice Areas**

- Commercial Litigation and Arbitration
- Banking and Finance
- Restructuring and Insolvency
- Civil Litigation
- Defamation
- Land Disputes and Land Acquisition
- Professional Liability

**Selected Experience**

**Banking and Finance Litigation**

- ❖ Acted for a bank in a claim to enforce an absolute assignment of contract proceeds pursuant to banking facilities granted to the bank's borrower. The bank sought payment from the awarder of the project, into a designated account. The awarder resisted the claim and filed a counterclaim, alleging entitlement to

liquidated and ascertained damages and back charges. After a full trial, the court substantially allowed the bank's claim and dismissed the counterclaim.

- ❖ Acted for a bank in resisting an application by a company in liquidation to intervene in foreclosure proceedings and stay the auction of charged property pending the disposal of its appeal. The company, a former registered proprietor of the land, sought to invalidate the bank's charge on the ground of an unresolved proprietary claim. We successfully opposed the intervention on the basis that the company had no subsisting proprietary interest in the land and that the foreclosure proceedings had proceeded lawfully based on an indefeasible charge. The court dismissed the application and upheld the validity of the judicial sale process.
- ❖ Acted for a bank in recovery actions in Islamic financing facilities, which involves a private hospital operator.
- ❖ Acted for a bank in recovery actions against the Papparich group of companies, which were involved in the food and beverage business. Successfully maintained the judgments in favour of the bank at both the Court of Appeal and the Federal Court.
- ❖ Acted for a bank to defend a series of litigations involving allegation of fraud and forgery in the creation of land charges in a housing project comprising few hundred titles, the cases went for full trial at the High Court, appeals to the Court of Appeal and Federal Court.
- ❖ Acted for a bank in a series of actions involving allegations of fraud in the transfer and creation of land charges in a housing development.
- ❖ Acted for a bank in a protracted suit involving allegations of fraud and forgery in the creation of land charges, whereby the High Court after considering both local and foreign forensic expert evidence dismissed the claim against the bank. The High Court decision was upheld by the Court of Appeal. Also successfully resisted motion for leave to appeal to the Federal Court against the Court of Appeal's decision.
- ❖ Acted for a foreign bank on bills of exchange involving international contracts governed by the Uniform Commercial Code.

## **Restructuring and Insolvency**

- ❖ Acted for various banks to oppose a restraining order.
- ❖ Acted as counsel for various companies and banks in bankruptcy and winding-up proceedings against borrowers and guarantors.

- ❖ Acted for banks in judicial management proceedings and insolvency proceedings.

## **Trust**

- ❖ Acted for a trustee in defending an action brought by the appointor of a private trust to prohibit the trustee from initiating court proceedings to appoint a replacement trustee. The trustee had given early notice of its intention to retire from the trust due to its exit from the private trust business and engaged in discussions with the appointor to facilitate a replacement, which were ultimately unsuccessful. We successfully argued that the trustee had reasonable cause to retire, that the action was premature, and that the trustee was empowered under the trust deed and applicable statutes to take steps for its discharge. The court dismissed the action and affirmed the trustee's right to retire upon showing reasonable cause.

## **Civil Litigation**

- ❖ Defended an originating summons seeking declarations that the Malaysian courts had exclusive jurisdiction over a cross-border accident claim and that the defendants were not liable for judgments obtained in Singapore. Successfully argued that the summons was misconceived, as the defendants had submitted to the Singapore court, which had already entered judgment on liability. The Malaysian court dismissed the summons and affirmed Singapore as the appropriate forum.

## **Defamation**

- ❖ Acted as co-counsel for the New Straits Times and their editors and reporters to defend several defamations suits.

## **Land Acquisition and Land Law**

- ❖ Acted as co-counsel for a mining company for encroachment of land.
- ❖ Acted for landlords for breach of tenancy agreements.
- ❖ Acted for Lembaga Lebuhraya Malaysia in land acquisition cases for claims for higher compensation.
- ❖ Acted for a major developer and contractor Brunsfield Group to quash a land acquisition on the ground of mala fide.

## Professional Liability

- ❖ Acted as co-counsel in professional negligence suits under the Malaysian Bar insurance scheme.

## Qualifications

### Qualification:

Master's in International Relations, Hacettepe University, Turkey (2019), *Turkish Scholarship Scholar*

Advocate and Solicitor, High Court of Malaya (2010)

LLB (Hons), International Islamic University Malaysia (2009)

## Reported Decisions

1. *MALAYAN BANKING BHD V HO HUP CONSTRUCTION COMPANY BHD & ANOR [2025] MLJU 1856*
2. *HONG LEONG ISLAMIC BANK BHD V SONATA CREST SDN BHD (MEGAFEST SDN BHD, PROPOSED INTERVENER) [2025] MLJU 1637*
3. *LAI KIAT YEONG V HSBC (M) TRUSTEE BHD [2025] MLJU 529*
4. *MMIP SERVICES SDN BHD & ORS V R MANOKARAN & ORS [2025] MLJU 77*
5. *MAYBANK ISLAMIC BHD V MEDI-CIRCLE SDN BHD & ORS [2024] MLJU 2968*
6. *MALAYAN BANKING BHD V MINES RESORT SDN BHD (IN LIQUIDATION) [2024] MLJU 2586*
7. *HSBC AMANAH MALAYSIA BHD V SUPREME POWER MARKETING (M) SDN BHD & ORS [2024] MLJU 2505*
8. *MALAYAN BANKING BHD V MOHD AFFANDI BIN AHMAD & ANOR [2024] 6 MLJ 220*
9. *MD ISA BIN BUJANG V PL SOON HUAT REALTY SHD BHD & ORS [2024] 12 MLJ 568*
10. *MALAYAN BANKING BHD V Q DEVELOPMENT SDN BHD & ORS [2024] MLJU 1628*
11. *MODALKU VENTURES SDN BHD V E-TECH IT SDN BHD (ABLE ENTERPRISE (M) SDN BHD, THIRD PARTY) – [2024] 8 MLJ 447*
12. *CHEAH YEE CHEN (TRADING UNDER THE NAME AND STYLE OF SUPERBRAIN TRAINING CENTRE) & ORS V SAFEWAY SOLUTIONS SDN BHD & ORS [2023] MLJU 1006*
13. *MOHD AFFANDI BIN AHMAD & ANOR V PEMBANGUNAN TANAH DAN PERUMAHAN SDN BHD [2023] MLJU 1937; [2024] 7 MLJ 265; [2024] 7 MLJ 278*
14. *MD TAHA BIN FALEHRUJI V PEMBANGUNAN TANAH DAN PERUMAHAN SDN BHD (DALAM LIKUIDASI) & ANOR (MALAYAN BANKING BHD, PROPOSED INTERVENER) [2022] MLJU 2209*
15. *VIJAYAN A/L S CHINNASAMI V ADVANCED OPTRONICS DEVICES (ASIA) CO LIMITED & ORS [2022] MLJU 2190*
16. *MAYBANK ISLAMIC BHD V MAJU HOLDINGS SDN BHD & ANOR [2022] MLJU 1901*
17. *MODALKU VENTURES SDN BHD V KWANG SHEN STEEL INDUSTRIES SDN BHD & ORS [2022] MLJU 831*

18. *UNION DE BANQUES ARABES ET FRANCAISES SINGAPORE BRANCH V PRODIMEX RESOURCES SDN BHD* [2021] MLJU 2767
19. *MALAYAN BANKING BERHAD V MAJU HOLDINGS SDN BHD & ANOR* [2020] MLJU 2405
20. *YEE TECK FAH V LEE CHEE MENG & ANOR* [2020] MLJU 1745
21. *USAPE NELSON WIRELESS SDN BHD V MACRO KIOSK BERHAD* [2011] 1LNS 620, [2011] MLJU 950
22. *ASSOCIATED PAN MALAYSIA CEMENT V WESTWOOD* [2013] 1 CLJ LNS 564 AND [2014] 7 MLJ 394
23. *BUKIT KAPAR DEVELOPMENT SDN BHD V KERAJAAN NEGERI SELANGOR & ANOR* [2014] 1 LNS 224, HC

## **Publications & Talks**

### **Talks:**

- Winding-up of Companies under the Companies Act 2016 at ILKAP (Judicial and Legal Training Institute) (2024)
- Enforcement of Foreign Judgment, Bangkok (2024)
- Evaluating Compensation in Land Acquisition at the Malaysian Property Conference (2024)
- Evaluating Compensation in Land Acquisition Malaysian Land Law Conference (2025)
- Panel (Women in FIRE) FIRE Starters Dublin 2025