

Executing Writ of Possession

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Let's Break it Down



APPLICATION

PRELIMINARIES



O46 R2(1) and R3 of the ROC provide that a writ of execution to enforce a judgment may not be issued without prior **leave** of the Court. An application for leave may be made *ex parte* by way of a Notice of Application. After leave is granted, O46 R4(2) of the ROC requires that a *praecipe* be filed. Pursuant to O45 R(3) of the ROC, a writ of possession may be filed together with the *praecipe*.

Once the *praecipe* and writ have been approved by the Court, a letter will be issued to your solicitors ("**Court's letter**"), notifying them of the scheduled date of execution. Your solicitors will then be required to attend at the Execution Counter on the day of the execution.

DATE OF EXECUTION



Your representative must be appointed to attend the premises with the Court's bailiff on the execution day. You may appoint a security guard to assist during the execution for a maximum fee of RM96.00 per day. A list of court-assigned guards will be provided in the Court's letter, or you may also engage an external guard. The guard's details must also be completed in **Lampiran 'A'** and filed accordingly by your solicitor.

The parties involved in the execution are the Bailiff, your representative, and the security guard (if appointed).

EXECUTION OF THE WRIT

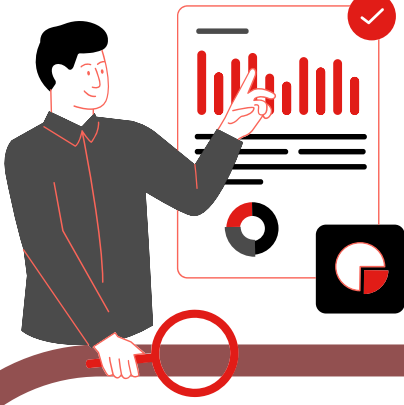
DAY 1



The first day of execution involves the Bailiff posting the court order and notice at the premises, instructing the Defendant(s) to vacate within 7 days. The second execution will take place after the 7-day period.

If you wish to grant the Defendant(s) additional time to vacate the said premises, you may inform the Court's Bailiff accordingly. The extended deadline will then be reflected in the notice posted at the premises.

DAY 2



If the Defendant(s) fails or refuses to vacate the premises within the 7-day period specified in the notice, the Court Bailiff, together with your representatives, will return to enforce the order. This may involve the forcible removal of the Defendant(s) and the changing of locks to secure the property.

At that point, vacant possession of the premises shall be deemed to have been lawfully delivered to the Plaintiff in accordance with the court order.

CONCLUSION



After the execution process is completed, the Bailiff will issue both the Bailiff's Report and the Notice of Delivery of Vacant Possession to your solicitors.

During the execution process, the Bailiff will take photographs of the premises. These images will specifically document the court order and notice to vacate clearly posted at the property. They will be included in the Bailiff's Report and serve as evidence that proper legal procedures have been followed. It is strongly advised that your representatives also take their own photographs during this time. This will provide you with an independent record of the process.

