

**IN THE CONSUMER CLAIMS TRIBUNAL MALAYSIA
AT KOTA KINABALU, SABAH**

CLAIM NO: TTPM-SAB-(P)-200-2011

MADELYNE M. NANDU	- CLAIMANT
LIONS CLUB OF KOTA KINABALU	
METRO	- FIRST RESPONDENT
DATUK ROBERT DE SOUZA	- SECOND RESPONDENT
KEN'S INTERNATIONAL SHOWCASE	- THIRD RESPONDENT
LEO GAUDIEL JR	- FOURTH RESPONDENT

GROUND OF JUDGEMENT

This decision is only in respect of the Award made against the Third and Fourth Respondent on 17.10.2011.

THE CLAIMS

The Claimant claims as follows:-

- (a) The Claimant participated in a beauty contest (Miss Sabah Malaysia Beauty Pageant 2007) organized by the Third Respondent and Fourth Respondent with a prize money of RM10,000.00 to the 1st place winner. The First Respondent is the franchise holder of the said beauty contest.
- (b) The Claimant won 1st place in the contest and was only paid RM3,000.00 as part of the prize money.
- (c) The Claimant claimed (amended) the balance of RM7,000.00 plus damages and expenses. The total claim of RM9,700.00 is made up of:-
 - (i) Balance prize money - RM6,500.00;
 - (ii) Damages – RM2,000.00;
 - (iii) Travelling expenses and hotel – RM1,200.00

THE DEFENCE

The Third Respondent and Fourth Respondent:-

- (1) Are organizers of the Miss Malaysia World Beauty Pageant 2007 Competition;
- (2) Paid RM3,000.00 to the Claimant as 1st place winner;
- (3) Paid the balance of RM6,500.00 to Claimant's bank account;
- (4) The Claimant received table tickets from the First Respondent to offset the balance of the prize money.

ISSUES

Whether the Third Respondent and the Fourth Respondent are liable to pay the Claimant the balance of the prize money, damages and expenses?

Award (Form 8) dated 14.09.2011

At the first hearing on 14.09.2011, I was satisfied that the third Respondent and the Fourth Respondent were duly served with the Claimant's claim (Form 1) and as the Third Respondent and Fourth Respondent were absent, I made an Award in Form 8.

Form 12 filed by the Third and Fourth Respondents

The Third and Fourth Respondents filed an application (Form 12) to set aside the Award made on 14.09.2011 on the ground that they were outstation and did not receive notice of hearing of the case on 14.09.2011. I allowed the application on 17.10.2011 and heard the Claimant and the Third and Fourth Respondents.

FINDINGS AND DECISIONS

1. The Third and Fourth Respondents are organizers of the Miss Malaysia World Beauty Pageant 2007 Competition in which the Claimant was the 1st place winner and therefore Claimant was entitled to the prize money of RM10,000.00 from the Third and Fourth Respondents.
2. The Claimant was paid a sum of RM3,000.00 by the Third and Fourth Respondents through the Fourth Respondent's wife leaving a balance of RM7,000.00.
3. The Third and Fourth Respondents claimed that they had paid the balance of RM6,500.00 by depositing the same to the Claimant's bank account but was unable to produce proof of such payment. I therefore find there is no proof of such payment.
4. The very fact that the Third and Fourth Respondents had paid a sum of RM3,000.00 and further claimed to have paid the balance of RM6,500.00 to the Claimant's bank account amounted to an admission that the Third and Fourth Respondents were liable to pay the Claimant the full prize money of RM10,000.00. The defence (Form 2) of the Third and Fourth Respondents is clear admission of liability though they disputed the amount of the balance to be paid.
5. The sale proceeds of the table tickets given by the First Respondent to the Claimant was only RM500.00 leaving a balance of RM6,500.00.
6. The Claimant has incurred reasonable travelling expenses to and hotel accommodation in Kuala Lumpur to participate in the beauty contest and should be reimbursed the sum of RM1,200.00. Moreover, the Claimant incurred loss and damage which I allowed at RM1,000.00. The Third and Fourth Respondents did not dispute these expenses and damages claimed.
7. In the premises, I awarded a total sum of RM8,700.00 (RM6,500.00 + RM1,200.00 + RM1,000.00).

Award Form 10

1. Form 12 is allowed;
2. Award Form 8 dated 14 September 2011 against the Third and Fourth Respondents is set aside;
3. The Third and Fourth Respondents to pay to the Claimant RM 8,700.00 within 14 days from the date of the Award.

DATUK DR. LAWRENCE S.H. THIEN
PRESIDENT
CONSUMER CLAIMS TRIBUNAL
MALAYSIA

Dated: 17 October 2011

