

PROFILE



Partner
Head, Insurance
Dispute Resolution
Medico-Legal
Shearn Delamore & Co., Kuala Lumpur, Malaysia

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Qualifications

LLB, University of London (1992)
CLP Malaysia (1994)
Advocate & Solicitor High Court Malaya

Languages

English, Malay, Tamil

SAGADAVEN THANGAVELU

ABOUT SAGADAVEN

Sagadaven is a Partner of Shearn Delamore & Co. He has an active practice in complex and contentious insurance litigation practice which include professional malpractice and general law of tort. He is regularly engaged to represent insurance companies to provide advisory work and also to represent them and/or their insureds in trials and appeals at all levels of the Courts in West Malaysia. His area of expertise also includes professional malpractice litigation defending medical practitioners in Court proceedings and also medical misconduct proceedings before the Malaysian Medical Council. Sagadaven headed the Motor Insurers' Bureau of West Malaysia (Administrative Unit) which was set up to assist the Insurance Unit of the National Bank of Malaysia in resolving pending motor accident claims against Mercantile Insurance Sdn Bhd in liquidation.

Sagadaven is regularly engaged to assist Medical Associations and Hospital Administrators to deliver talks and presentations to medical practitioners and hospital's support staff. He is also a panel solicitor for Medical Protection Society based in London, United Kingdom.

EXPERIENCE

Sagadaven has appeared and represented clients in many high profile cases and a few of which are as follows:

- **Distinguishing between theft and cheating clause in insurance policy**
Represented importer and franchise holder company in a claim against the insurance company which had declined policy liability for a vehicle stolen by a 'customer' in the pretext of wanting to purchase the

vehicle. The validity of the repudiation was successfully challenged before the Court of Appeal and the Federal Court. The appellate Courts' judgments are considered as landmark decisions in the insurance industry.

- **Effect of settlement of claim by insured without insurance company's consent**

Represented the insured/transporter in a claim by customer for loss and damage to goods where the insurance company denied policy liability. The customer's claim was resolved by the insured/customer and the recovery action by the insured/transporter was resisted by the insurance company on the grounds that no consent was obtained pursuant to the terms of the policy. Following English decisions, the Court of Appeal held that the settlement was reasonable and the insurance company's repudiation of policy liability is not sustainable.

- **Claim by life insurance agent alleging wrongful termination and conspiracy to defraud and tort of procuring and inducing a breach of contract**

The insurance agent had brought a claim for loss of commission for his entire working life and damages against a leading life insurance company. The agent's cause of action was, *inter alia*, breach of duty of loyalty and fidelity and both the High Court and the Court of Appeal dismissed the claim and appeal respectively.

APPOINTMENTS/MEMBERSHIPS

- Member, Malaysian Bar
- Member, International Bar Association (IBA)
- Arbitrator appointed on ad hoc basis by insurance companies and insureds
- Life member, Asean Law Association
- Life member, Medico-Legal Society of Malaysia

PUBLICATIONS

- Co-Author of Malaysian Personal Injury Service published by the Malayan Law Journal