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SHAH ALAM, Wed. - The Sessions Court today fixed Dec 9 for the hearing of a suit brought by Datuk Dr C.G.A. Fonseka, former deputy director-general of Health, against a dog exhibitor and breeder for allegedly selling him a German Shepherd with a defective fang.

The case will be heard before Judge Amelia Tee Hong Geok.

Dr Fonseka is suing Mahinder Singh Khalsa for RM89,000 for allegedly selling him the dog named Vikkas Neigus without informing him that the dog had undergone an operation on its fang. In less than a year after the purchase, the fang fractured, decayed and fell off.

As a result, he said the dog, which he purchased for RM15,000 in April 1991 to participate in dog shows, was not able to perform this function.

A show dog without any defective tooth would be worth between RM10,000 and RM15,000.

Dr Fonseka, who is president of the German Shepherd Club and vice-president of the Malaysian Kennel Association, said he paid Mahinder Singh RM10,000 in cash and agreed to allow Vikkas Neigus to stand as stud with Mahinder Singh's dog for five matings for the remaining sum of RM5,000.

Dr Fonseka said his reputation as an exhibitor was affected and he also lost the benefit of enjoying the ownership of a champion dog and having the benefit of allowing the dog to be mated with other German Shepherds of similar standing.

Dr Fonseka is claiming damages for breach of contract, misrepresentation and deceit.

Mahinder Singh has filed a counter-claim against Dr Fonseka for not allowing the mating as agreed earlier.

He is also claiming general damages from Dr Fonseka for defaming him (Dr Fonseka) by writing letters dated May 31, 1992 and May 5, 1992 to him, with a carbon copy to two other people - Dr Yeoh Eng Cheong and Choy Seng Kah - saying that he was a cheat, a liar, and was dishonest and greedy.

Dr Fonseka, who filed a justification in response to the counter-claim, said Mahinder had cheated him by failing to inform him of the defective canine tooth and that he paid a high price for the dog.

Jerald Gomez is acting for Dr Fonseka while Kartar Singh is representing Mahinder Singh.

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