

TUESDAY, 18TH DECEMBER 1989

AT 9.00 A.M.

32

IN THE HIGH COURT OF MALAWI

PRINCIPAL REGISTRY

CIVIL CAUSE NO.948 OF 1989

IN THE MATTER OF THE ADMISSION OF  
JAVID MOHAMED SIDIK

- and -

IN THE MATTER OF THE LEGAL EDUCATION  
AND LEGAL PRACTITIONERS ACT (CAP.3:04)

Coram: MAKUTA, C.J.

Stumbles, Counsel for the Petitioner  
J.M. Sidik, Petitioner  
A.C. Chipeta, Deputy Registrar  
A.A. Kadyakale, Law Clerk  
G.T. Longwe, Court Reporter

Present also were:

A.K.C. Nyirenda, Principal State Advocate,  
representing the Attorney General  
R.M. Msisha, also representing the Law Society  
A.G. Makhallira, Legal Practitioner  
S. Jussab, Legal Practitioner  
S. Latif, Legal Practitioner

PETITION FOR ADMISSION

COURT: Yes, Mr. Stumbles!

STUMBLES: May it please your Lordship, I appear on behalf of the petitioner in this matter. I respectfully submit, my Lord, that the papers are in order save that I have the original documents should your Lordship wish to peruse the relevant certificates annexed to the petition.

COURT: You will present the originals, I hope?

STUMBLES: I can vouch for that; I will do. I am glad for that.

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My Lord, my learned friend Mr. Msisha is representing the Malawi Law Society and Mr. Nyirenda is representing the Attorney General. I understand that there is no objection from either source but your Lordship may wish to ask that directly.

COURT: That is the position, isn't it?

NYIRENDA: Yes. From the Attorney General, my Lord Chief Justice, there is no objection.

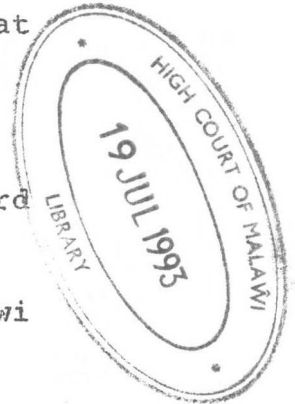
MSISHA: My Lord, the same position with the Malawi Law Society. There is no objection.

STUMBLES: I am obliged my Lord and I am also obliged to my learned friends too.

My Lord, this is an application for admission to practise by **Javid Mahomed Sadik** as a legal practitioner in the Supreme Court of Malawi, High Court of Malawi and Subordinate Courts thereto. The application is made under Section 9 and Section 11A of the Legal Education and Legal Practitioners Act, Cap.3:04.

And it is my privilege and pleasure, my Lord, to address you at this stage on the background of the applicant. Lord, the applicant or petitioner was born on 29th April 1960 in Thyolo, Malawi. He attended different schools until the age of 9 and thereafter he proceeded to India where he continued his education for 4 years. At that school, apart from achieving reasonable success in his academic career, he participated in cricket, football, hockey, badminton and table tennis for which all events he represented the school.

He then proceeded to Broadgreen College in United Kingdom where he obtained his "O" Levels and at that time he was captain of the cricket team and coached the hockey team. He then moved to the City & East London College where he obtained his "A" Level Examinations. He then decided that he would proceed to the University of East Anglia where he would study Business Finance & Economics. He obtained



there a very good degree, Bachelor of Science, majoring in Business Finance and Economics and while he was at the University he was a Treasurer of the Accountants Society, participated in extramural activities and was regarded sufficiently highly by **Arthur Andersen & Co.** who approached him and asked if he would like to join them to become a chartered accountant. The petitioner, your Lordship, decided however that he would proceed to the City University in London and take a postgraduate Diploma in Law which he did in 1984. Again, he achieved good results in his examinations and while preparing for his degree attained many moots and participated vigorously in those moots. He moved to Grays Inn and became an Utter Barrister in 1986. Thereafter he did his pupillage at Wensum Chambers under a Senior Barrister by the name of David Mellor. After he completed his work in Chambers, he stayed on in United Kindgom for a while and returned to his home country, Malawi, in May 1987.

In March 1989 he joined the firm of Sacranie, Gow and Company. And since then it has been my pleasure to come to know the petitioner. And I can say, without reservations, that I have found him hardworking, diligent and a person who carries out research into all matters that he deals with. He is sensitive, ..... and I believe he would do well in the profession and that the profession would do well to have him as a member. I submit, my Lord, that he is a person who can go far in the legal profession having eschewed a chartered accountant's profession though I heard him say that he was more in favour of economics than law, but that was just a face of depression.

My Lord, it gives me great pleasure, in this case, to formally make an application for the petitioner to become a legal practitioner and be enrolled on the Legal Practitioners Roll.

And that is all.

COURT: That would be admission with conditions?



STUMBLES: That is so.

COURT: Mr. Sidik, I approve your petition and your admission will be with conditions.

Can you come forward now to sign the Roll of Practitioners?

(Petitioner comes forward and signs the Roll)

Will you take your place at the Bar?

(Petitioner takes his place at the Bar)

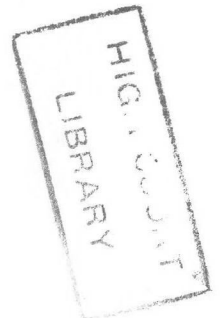
Will you move?

(Petitioner bows to the Court)

Well, I am pleased to welcome you to the Bar and I have listened with great interest to what has been said in respect of your application. You must have had quite very busy time during your educational career and possibly that must have helped you in mind and body.

Although you are new to the profession, I am sure you are aware that the profession has got a code of conduct and honour which demands its members to obey. It also requires fulfilment of duty both to the Court and to your clients. To your clients, I would urge you to be honest; handle their financial matters with absolute care if you are to avoid any allegations of misappropriation of funds.

To the Court, it is your duty to present your case fairly and to the best of your ability. You decide what to say and in this respect it is important to remember that you are an integral part of the Judicial System whose duty it is to do justice according to the Law. Make sure you master the facts of your case and also look up the law however trivial the case may be. This, I have said on many occasions, gives you confidence and you avoid being lost in Court. This does happen, especially when the facts and the law are vague in your head and you make errors because of insufficient preparation. It may have a shattering effect



on your career especially as a beginner. Therefore, make sure you prepare yourself well.

One small point but nevertheless important, prepare your documents carefully. Small things, like spelling mistakes, wrong punctuations etc. may look petty but are essential and must be watched. So make sure the t's are crossed and the i's are dotted just to make sure that everything is done properly even if it takes you another 5 minutes or more to do it.

Having said these few words, I am sure you will find the law most rewarding and you will derive a lot of satisfaction and pleasure from it.

I wish you success.

(Court rises at 9.14 a.m.)

HIGH COURT  
LIBRARY