



IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CIVIL CAUSE NO. 84 OF 1987

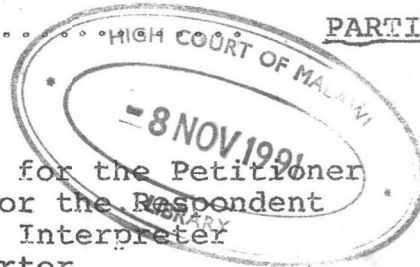
BETWEEN:

<u>ZUBEDAH S. STEVEN</u>	<u>PETITIONER</u>
- and -	
<u>GEORGE M. STEVEN</u>	<u>RESPONDENT</u>
- and -	
<u>SHARMEELA DASSU</u>	<u>CO-RESPONDENT</u>
- and -	
<u>THREE OTHERS</u>	<u>PARTIES CITED</u>

CORAM:

UNYOLO, J.

Nyirenda, Counsel for the Petitioner
Kaliwo, Counsel for the Respondent
Chigaru, Official Interpreter
Maore, Court Reporter



RULING

By my Ruling dated 19th August, 1988 it was ordered that if the respondent made default in giving security of the petitioner's costs in the sum of K1,500 which sum was to be paid into Court at least 2 weeks before the date fixed for hearing of this case the petitioner be at liberty to proceed with the petition as if the same was undefended.


I am told that the order herein has not been complied with and from what has been said by the learned Counsel Mr. Kaliwo I am satisfied that there is no reasonable prospect that the security will be paid. I accordingly order that the hearing of the petition proceed in terms of my order mentioned above.

There is one other matter I must deal with as well. This deals with the 3rd party cited, Mr. Chizumila. In respect of this party cited the learned Deputy Registrar made an order on 25th January, 1989 requiring the respondent to



give security for this party cited in the sum of K100 (it seems there was a typing error here, the correct figure should be K1,000). It was ordered further that the amount in question should be paid within 60 days of the date of the said order. It is conceded the security herein has not been paid. Again I am satisfied there is no reasonable prospect that the security will be paid. Accordingly, I dismiss the respondent's cross-petition with costs in so far as the same relates to the 3rd party cited. In the end, as I have indicated, the hearing of the petition will proceed and such hearing is to take place on Wednesday, 14th December, 1989 starting at 9.00 a.m.

PRONOUNCED in open Court this 11th day of December, 1989 at Blantyre.


L.E. UNYOLO
JUDGE

