

19/5 D.F. Mwanangulu



IN THE HIGH COURT OF MALAWI

PRINCIPAL REGISTRY

CIVIL CAUSE NO. 1058 OF 1991

BETWEEN:

I.M. MDOKA.....PLAINTIFF

and

ENOCK CHIMOMBO.....1ST DEFENDANT

STAGE COACH (MALAWI) LIMITED.....2ND DEFENDANT

CORAM: JANE MAYEMU ANSAH (MRS) ACTING DEPUTY REGISTRAR
Ng'ombe of counsel for the plaintiff
Chisanga of counsel for the defendant

RULING

This an application to amend defence. It is supported by an affidavit. The amendments brought are to admit liability and deny that the plaintiff suffered any loss.

Mr Ng'ombe, counsel for the plaintiff objects to the application and argues that, where liability is not in issue, judgement should be entered on behalf of the plaintiff, as there is already an application for judgement on admissions. On 25th February, 1992 the plaintiff's application for judgement on admissions was dismissed for want of prosecution. On that date the plaintiff and his lawyer were absent. Further where there is an admission of negligence without an admission that the plaintiff suffered injury leave for an interlocutory judgement cannot be given because notwithstanding an admission of negligence, there is no admission of liability Paukine vs Garhen sons and company Limited

1979 All ER 1185. The application to amend defence was allowed.

The amended defence is to be served on the plaintiff within fourteen days.



costs for the plaintiff.

Made in Chambers this 15th day of July 1992, at Blantyre.



Jane Mayemu Ansah (Mrs)
ACTING DEPUTY REGISTRAR

AN (W
el
isel

1992

ment
s
uff

the

abi

elf

ment

lican

sec

nt.

adm

loc

an a

ukin

poli

be