



IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CIVIL CAUSE NO. 504 OF 1991

BETWEEN:

K.L. KAMODZI.....PLAINTIFF

and

RANKIN MANYOZO.....DEFENDANT

CORAM: JANE MAYEMU ANSAH (MRS) ACTING DEPUTY REGISTRAR
 Kanyuka (Mrs) of counsel for the plaintiff
 Mwenelumpembe Legal Aid Advocate for the defendant

RULING

This is an application for summary judgement brought under order 14 of the rules of the Supreme Court. It is duly supported by an affidavit. The basis of the application is that the defendant has no defence to the plaintiff's action.

It is the plaintiff's case that the defendant borrowed the welding machine in working condition. The defendant's servant used it and in the course of using it on the defendant's vehicle it broke down. The defendant took the welding machine to the plaintiff in damaged condition, thereupon the plaintiff demanded it be repaired by the defendant or that the defendant should give him the cost of the same being K4,000. The plaintiff further incurred some expenses by hiring another welding machine for the purpose of repairing his vehicle. He paid K300.00 for the hire of the welding machine.

The defendant objects to the application on the basis that the defendant in his defence addressed the issues raised in the plaintiff's statement of claim. The defence talks of 'work, labour or supplied working materials'. These items are not mentioned in the statement of claim. The plaintiff's statement is clear and specific whereas the defence is ambiguous and one is left confused as to what the defendant wanted to put across. The purpose of order 14 is to enable a plaintiff to obtain judgement without going through the intricacies and delays of a trial where the defendant is unable to put up a bonafide defence or raise a triable issue against the plaintiff's claim. The defendant's



defence does not bring out an issue against the plaintiff claim which ought to be tried.

I therefore enter judgement for the plaintiff in the sum of K4,300 plus costs.

Made in chambers this 9th day of April 1992


JANE MAYEMU ANSAH (MRS)
ACTING DEPUTY REGISTRAR