

IN THE HIGH COURT OF MALAWI

PRINCIPAL REGISTRY

CIVIL CAUSE NO. 2935 OF 2000

BETWEEN:

CLEMENT MASAUKO MWALA.....PETITIONER

-and-

THE MALAWI LAW SOCIETY.....RESPONDENT

CORAM: THE HON. THE CHIEF JUSTICE

Nampota, Counsel for the Petitioner

Katsala, Counsel for the Malawi Law Society

Selemani, Recording Officer

RULING

This is an application to remove conditions attached to the admission of the petitioner. The petitioner was conditionally admitted on 12th January, 2001. An objection was raised by the Law Society to the application ostensibly on the ground that it has not been shown that the petitioner has, since the date of his conditional admission, been actively employed for a continuous period of not less than twelve months.

Mr. Katsala for the Law Society has submitted that there must be twelve months between the date of conditional admission and the date of application to remove conditions. Mr. Nampota for the petitioner has submitted that what is important is for the court to be

satisfied that the petitioner has been in continuous employment of twelve months. It is agreed that the application in the matter was filed on 9th January, 2002.

The facts as disclosed in the petitioner's affidavit is that after his conditional admission he worked with Ching'ande and Law from the 12th January 2001 to 30th June, 2001 and that thereafter he worked with the Anti Corruption Bureau from the 2nd July, 2001 to date and that Mr. Nampota has been his supervisor. Mr. Nampota has filed a certificate stating that the petitioner has been under his supervision since he joined the Anti Corruption Bureau.

Section 11A(3) states that any Legal Practitioner whose admission to practice is conditional may by motion apply to this court for the removal of the conditions attached to his admission. Such conditions may only be removed on satisfactory proof by way of affidavit or otherwise that the applicant has, since his conditional admission been actively employed for a continuous period of not less than twelve months.

There can be no dispute that when the application was filed in the court twelve months had not been completed. It is also clear that there is no certificate to show that during the period of 12th January to 30th June, 2001 the petitioner had worked for Ching'ande and Law. It is the practice of this court that such certificate is required. I am satisfied that this application cannot proceed. It is flawed on two grounds: First it was prematurely filed and secondly there is no evidence upon which the court can find satisfactory proof that the petitioner has been actively employed for a continuous period of not less than twelve months. This application is therefore misconceived and it is dismissed with liberty to re-apply.

DELIVERED in open court on 8th day of March, 2002 at Blantyre.

R.A. Banda
CHIEF JUSTICE