

**IN THE HIGH COURT OF MALAWI**  
PRINCIPAL REGISTRY  
**CIVIL CAUSE NO. 2608 OF 2001**



**BETWEEN:**

BLANTYRE HOTELS LIMITED ..... PLAINTIFF

AND

NATIONAL ROAD SAFETY  
COUNCIL OF MALAWI ..... DEFENDANT

**CORAM : TEMBO, ASSISTANT REGISTRAR**  
Mulemba, Counsel for the Plaintiff

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**ORDER**

This is this court's order on the plaintiff's application made under Order 14 r 1 Rules of Supreme Court for the sum claimed herein of K353,938.81, compound interest thereon at 3% above base lending rate at the prevailing commercial bank lending rates ruling from time to time from respective invoices dates until payment and for K52,940.82 statutory legal collection costs. The notice of hearing of the summons for summary judgment was duly served on the defendant who chose not to appear at the hearing. The plaintiff's application is supported by an affidavit and there's no affidavit in opposition.

The defendant herein requested hotel services from the plaintiff during the period between 16<sup>th</sup> February, 2000 and 31<sup>st</sup> October,

2000. The total cost of the same came up to K352,938.81. This is clear from the Local Purchase Orders issued by the defendant to the plaintiff and also from the invoices from the plaintiff to the defendant both of which have been exhibited herein. This court is of the view that the plaintiff has clearly proved its case. This court has had regard to the defendant's defence in which the defendant merely denies owing the sums allegedly due from itself to the plaintiff. That defence is indeed a sham, as argued by the plaintiff, in the face of the evidence before this court.

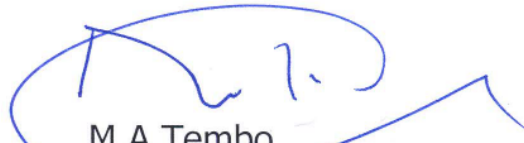
This court is aware that on an application under order 14 r 1 Rules of Supreme Court for summary judgment, judgment is entered for the plaintiff if it clearly proves its case and if the defendant is unable to set up a bona side defence, or to raise an issue against the claim which ought to be tried *Roberts v Plant* [1895] 1 Q.B. 597.

This court finds, as already stated above, that the plaintiff's claim has been clearly proved. And further that the defendant has not set up a bona side defence or raised an issue that needs to go to trial.

And so this court enters summary judgment for the plaintiff for the sum claimed of K352,938.31 plus compound interest thereon at 3% above base lending rates ruling at the commercial banks from time to time from respective invoice dates until payment.

Summary Judgment is also entered for costs of this action and for the other items particularised in the last paragraph in the plaintiff's affidavit in support of the instant application.

Made in **Chambers** at Blantyre this 27<sup>th</sup> Day of February, 2004.



M A Tembo

**ASSISTANT REGISTRAR**