

**IN THE HIGH COURT OF MALAWI
LILONGWE DISTRICT REGISTRY
CIVIL CAUSE NO 136 OF 2003**

BETWEEN

METRO HARDWARE.....PLAINTIFF

-AND-

MR. R. ZIMBADEFENDANT

CORAM: **CHOMBO. J**

Chinoko, of counsel for the Plaintiff
Respondent, Unrepresented/present
Mr. Mlenga, Court Interpreter
Mrs. I. Namagonya, Court Reporter

RULING

This is an application by the defendant to pay debt by instalments pursuant to Section 11(a)(x) of the Courts act.

The defendant admits owing the plaintiff some sums of money. The defendant submitted to court that his monthly net take away after all deductions and financial obligations is K10,000.00. The plaintiff's only objection to the application

was that the defendant had some time in April 2003 made an undertaking that he would be paying K20,000.00 per month towards the liquidation of the same. Evidence was given by the defendant that some payments have been made between last April and date of hearing this application.

After considering all the evidence on record and there being no serious objection by the plaintiff I grant the defendant's application to pay debt by monthly instalments of K5,000.00. The said order is effective 30th October 2004. The court further orders that the said payments will be made on or before the 30th of each calendar month until the debt is paid in full. In the event of default by the defendant the plaintiff will have be at liberty to execute judgment for the full amount or whatever amount will be outstanding at the time of the said default.

Made in Open Court at Lilongwe District Registry this day of 7th October 2004

CHOMBO
JUDGE