

IN THE HIGH COURT OF MALAWI
LILONGWE DISTRICT REGISTRY
MISC. CIVIL NO. 65 OF 2007

BETWEEN

FREDRICK KAMWANGALA APPLICANT

-AND-

STANBIC BANK RESPONDENT

CORAM : HON. JUSTICE NYIRENDA

: Mr Nkhono, Counsel for the Plaintiff
Mr. Salima, Counsel for the Defendant
Mrs. Nakweya, Court Interpreter

RULING

This is an inter-parte application for an injunction wherein the applicant seeks to restrain the respondent from selling the applicant's Filling Station in Area 25, Lilongwe City, on Title Number Alimaunde 25/731.

The origin of the matter is a loan which the applicant obtained from the respondent bank some time in April 2006 in the amount of K8,500.000.00. The loan was secured on Title Number: Alimaunde 25/731.

What is true is that the loan is not disputed by the applicant. What the applicant cannot dispute is that to date only K517,755.00 has been paid. The rest of the story is long and not necessary to go into with any length of

detail. Suffice to say the parties have been discussing installments which have not resulted in any repayment towards the loan.

It would have been challenging to discuss the matter further in the context of the point raised by the applicant; that the respondent is or has prevented him from engaging in an arrangement that would have enabled him to repay the loan. The difficulty I am faced with in taking that course is that this application is not supported by any substantive action. The applicant has not attempted such action since the matter came to court on the 5th July 2007.

I agree with counsel for the respondent that the application is technically incompetent. I thus have no choice but to dismiss the application.

I am reluctant to make an order for costs the applicant being legal aided. I make no order for costs.

MADE in Chambers this 31st day of August 2007.

A.K.C. Nyirenda
J U D G E