



**JUDICIARY
IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CIVIL CAUSE NO 2854 OF 2006**

BETWEEN:

JONES LAZARO KANTHOMBA PLAINTIFF

-VS-

SPEEDY'S LIMITED DEFENDANT

CORAM: THE HONOURABLE JUSTICE KENYATTA NYIRENDA

Mr. Chipembere, of Counsel, for the Plaintiff

Mr. Sauti, of Counsel, for the Defendant

Ms. E. Chimang'anga, Court Clerk

ORDER

Kenyatta Nyirenda, J.

The Plaintiff commenced the present action claiming against the Defendant rescission of a contract of sale or damages in lieu thereof and various heads of damages in respect of a sale transaction of a motor vehicle Isuzu Dropside 4 Tonner.

Hearing of the case took place on 23rd February 2015 and 2nd June 2015 respectively. At the end of the hearing, Counsel Chipembere and Counsel Sauti, following consultations and agreement, made a joint application to be given 14 days from 2nd June 2015 within which they were to prepare and file with the Court their respective final written submissions. The Court granted Counsel their application.

The Defendant filed its final written submissions with the Court on 24th June 2015. On the other hand, more than 7 months have elapsed without the Plaintiff complying with my order of 2nd June, 2015. In the premises, the Plaintiff's action is dismissed for failure to comply with directions.

Counsel for the Plaintiff is at liberty to have the action restored to the cause list on condition that he files with the Court the Plaintiff's written submissions within 7

days hereof. In the event that the Plaintiff's written submissions are filed within the stipulated period, Counsel for the Defendant is at liberty to file, if he so wishes, the Defendants' written submissions in reply within 7 days after being served with the Plaintiff's final written submissions.

Pronounced in Chambers this 1st day of February 2016 at Blantyre in the Republic of Malawi.

Kenyatta Nyirenda
JUDGE