

Malawi Judiciary

IN THE HIGH COURT OF MALAWI

PRINCIPAL REGISTRY

CIVIL CASE NO. 68 OF 2016

**IN THE MATTER OF RENEWAL OF LICENCE OF GEORGE
GABRIEL KALIWO**

-and-

**IN THE MATTER OF THE LEGAL EDUCATION AND LEGAL
PRACTITIONERS ACT (CAP 3:04 THE LAWS OF MALAWI)**

CORAM **THE HONOURABLE THE CHIEF JUSTICE**
Dick Chagwanjira, Counsel for the Applicant
Richard Santhe, Counsel for the Attorney General
Atiji Phiri, Counsel for the Malawi Law Society
Mthunzi, Recording Officer
Mwafulirwa (Mrs.), Principal Personal Secretary

RULING

Before me is an application for renewal of licence to practice as legal practitioner and notary public pursuant to section 23(4) of the Legal Education and Legal Practitioners Act Cap 3:04. The applicant has been out of practice since 1998, which is obviously a long time back.

The short history of the matter, accounting how the applicant lost his practicing licence, is detailed in the applicant's affidavit in support of the application. I have read through the affidavit over and over and what comes out clear is that the applicant fell out with his landlord in 1998 on account of non payment of rent for the building where the practice was being operated from. The landlord sealed off the building in the course

of efforts to recover the outstanding rent and in the process the applicant lost his tools of trade and other material necessary for him to continue with his practice.

In his explanation, the applicant lost all his push and eventually gave up all efforts to bounce back to practice.

This is as much as there was to those events. The applicant merely went out of practice on account of total disruption of his affairs. There was no disciplinary issue around him.

At a later point the applicant was drawn into allegations of having misappropriated client money. The short of it is that the applicant decided to pay all the alleged amounts. Again that matter did not result into any disciplinary action.

In the result there has been no disciplinary matter against the applicant and therefore that this application must be accepted to allow the applicant a new lease of professional life. Mr. Santhe for the Attorney General would have wished the applicant's affairs were audited. The Malawi Law Society seeks that the applicant be supervised for a period of time since had has been out of practice for a while. It is not immediately clear to me what the audit the Attorney General is asking for should have been about considering the facts of the matter that I have summarised above.

As regards supervision, I would not have difficulties in accepting that the applicant shall practice alongside an established senior legal practitioner. Fortunately Counsel Chagwanjira, the sponsor, has already come forward and offered to take the applicant along in the initial period to practice. If the applicant practiced alongside Mr. Chagwanjira for one year, I presume that would serve as long enough a period after which the applicant might consider going it on his own.

Finally therefore, I grant the application for renewal of the applicant's practicing licence and confer back his accreditation as Notary Public on the condition set above.

MADE this 27th day of April, 2016, at Blantyre.

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