



MALAWI JUDICIARY

**IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY**

CIVIL CAUSE NUMBER 118 OF 2015

BETWEEN:

ALICE JUMA MALIDADI.....**PLAINTIFF**

AND

MALAWI HOUSING CORPORATION.....**DEFENDANT**

CORAM

HON NYAKWAWA USIWA USIWA, DEPUTY REGISTRAR

Mr Matumbi, of Counsel for the Applicants

Mssrs Kankwasi and Mikeus of Counsel for the Respondent

Mrs Deliwe Mtegha, official court Interpreter

ORDER ON STAY OF EXECUTION

UPON hearing Counsel from both sides, and upon reading the affidavits from both sides I find the following:

- (a)The matter was correctly before my Learned Brother His Honour Nyimba (who's away in Lilongwe and has allowed me to deal with this matter) because it is an application to stay a Master's execution of the order on assessment of damages. It is not against a stay of the judge's default judgment; so I have jurisdiction.



(b) There was a similar application before my Learned Sister Her Honour Kanthambi, to which she, on 29th July 2016, granted an Order setting aside an earlier stay ordered on 13th July 2016.

(c) After Her Honour's order there has been no appeal or application for re-hearing.

I THEREFORE HOLD THAT

- (i) When a master decides on an issue, the applicant may appeal against it or apply for a re-hearing, but not repeating the application
- (ii) If I grant the present application I would be going against the spirit of Her Honour Kanthambi's order of 29th July 2016.

The application herein is therefore dismissed. The execution of the Master's order on assessment of damages still stands, unless appealed;

Made in Chambers this 5th Day of September 2016.


NYAKWAWA USIWA USIWA
Deputy Registrar