



IN THE HIGH COURT OF MALAWI
LILONGWE DISTRICT REGISTRY
MISCELLANEOUS CAUSE NUMBER 60 OF 2016
BETWEEN:

DENIYAS ELIAS NDINDI

AND

OSMAN CHATULUKA-----1ST RESPONDENT

SENIOR T/A KACHINDAMOTO-----2ND RESPONDENT

CORAM: HON. JUSTICE M.C.C. MKANDAWIRE

Taumbe, Counsel for the Applicant

Salima, Counsel for the Respondents

Itai, Court Interpreter

RULING

The applicant in this matter applies for an injunction to have the 2nd respondent restrained from recognizing the 1st respondent from exercising duties as Village Headman Ndindi and a further order restraining the 1st respondent from exercising duties as Village Headman Ndindi until the final determination of the matter or until a further order of this court. The application is supported by an affidavit and skeleton arguments. The court record does not have an affidavit in opposition. All that is there on record is an affidavit opposing the originating summons.

I have carefully looked at the affidavit in support of this application dated 30th May 2016. It is clear from the said affidavit that the applicant had been suspended by the 2nd respondent as Group Village Headman Ndindi on account of misbehavior. In the course of the suspension, the 1st respondent was appointed in an acting capacity as Village Headman Ndindi. It is thus this appointment that the applicant is trying to interdict.

With due respect, this court does not see any merit in this application as I fail to see the triable issues that would merit an injunction. This is a matter that is just fit for full hearing of the case as there is no urgency in this application after the 1st respondent had already been acting when the applicant was on suspension.

I therefore dismiss the application with costs.

MADE THIS DAY OF SEPTEMBER 2017 AT LILONGWE

M.C.C. MKANDAWIRE

JUDGE