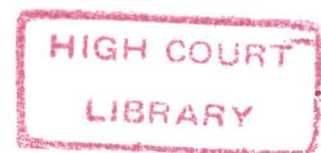


IN THE HIGH COURT OF MALAWI  
LILONGWE DISTRICT REGISTRY  
CIVIL CAUSE NUMBER 923 OF 2016



BETWEEN

EZRA MAMBA (On behalf of FELESIA YELEMIA, CHIFUNIRO CHIMBIYA,  
REINFORD FITIZALIMBA)-----PLAINTIFF

AND

VILLAGE HEADMAN KACHEBERE (RICHARD REUBEN)---1<sup>ST</sup> DEFENDANT

ENELESI CHIMUTU-----2<sup>ND</sup> DEFENDANT

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

Matumbi, for the Plaintiff

Malora (Ms), for the Defendant

Itai, Court Interpreter

**RULING**

This is an inter-parte application for an injunction filed by the plaintiff Ezra Mamba on behalf of FelesiaYelemia, ChifundoChimbria, and Reinford Fitizalimba. As is usually the case, in matters of this nature, courts rely on affidavits and skeleton arguments that are filed by the parties. This matter is about entitlement to traditional leadership.

The plaintiff has deponed that he is a member of the Kachebere royal family in Kachebere village in T/A Kaphuka Dedza district. The throne of village headman Kachebere was at first occupied by his brother. When the said brother became disabled to continue with the throne, the royal family appointed the 2<sup>nd</sup> defendant to act as village headwoman Kachebere. It is alleged that the 2<sup>nd</sup> defendant on her own handed over the village headship to the 1<sup>st</sup> defendant who does not come from the bloodline of the royal family and this was without the consent of the royal family. The royal family is therefore left amazed.

The 2<sup>nd</sup> defendant has challenged the claims made by the plaintiff. It is argued in the affidavit that Kachebere is not a name of a royal family. He also said that according to the Chewa culture, he has the authority to choose the successor which he did. It is further his case that members of the royal family had discussed this matter and all agreed to give him veto powers. According to him, the 1<sup>st</sup> defendant is from the royal family as he is a grandchild of the 1<sup>st</sup> Kachebere village headman.

I have looked at the affidavits in support and in opposition. In assessing this matter, I have taken into account all the principles that have to be taken into account before a court can grant or not grant an injunction.

I am satisfied that the plaintiff has laid down enough ground which is supported by sound legal principles to have an injunction granted by this court.

I therefore grant the injunction as prayed for with costs awarded to the plaintiff.

**MADE THIS                      DAY OF JUNE 2017 AT LILONGWE**

**M.C.C MKANDAWIRE**

**JUDGE**