



**IN THE HIGH COURT OF MALAWI**  
**PRINCIPAL REGISTRY**  
**CIVIL CAUSE NUMBER 401 OF 1999**

**BETWEEN:**

**A.B. STORE CHILUMBU**

**PLAINTIFF**

**AND**

**G.T. CHAPONDA**

**DEFENDANT**

**CORAM: JUSTICE M.A. TEMBO,**

Kambale, Counsel for the Plaintiff  
Mpasu, Official Court Interpreter

**ORDER**

This is this court's direction following the filing of an appeal to this Court against the decision of the Assistant Registrar staying execution of an order of assessment of damages that had been made in favour of the plaintiff. The order of stay was granted pending an appeal against the order of the Registrar to the Supreme Court of Appeal.

This Court has considered the question of jurisdiction to hear the instant application without setting down the hearing of the appeal in view of the recent decision of the Supreme Court in the case of *Moto v Sabadia* MSCA civil appeal number 2 of 2014 (unreported) where it was held that an appeal against an order of the Registrar on assessment of damages lies to the Supreme Court of Appeal.

In view of the Supreme Court of Appeal decision herein, this Court holds the view that the main issue of the appeal against the order of assessment is indeed a matter for the Supreme Court of Appeal.

This Court holds the further view that, consequently, any application in relation to the subject matter of that appeal to the Supreme Court of Appeal herein, in particular the stay of execution of the order on assessment of interest, should be dealt with by the Supreme Court of Appeal itself.

This Court accordingly directs that the plaintiff shall appeal against the stay order herein before the Supreme Court of Appeal and not this Court.

Made in chambers at Blantyre this 15<sup>th</sup> March 2018.



M.A. Tembo  
**JUDGE**