



**IN THE HIGH COURT OF MALAWI**

**PRINCIPAL REGISTRY**

**PERSONAL INJURY NO. 166 OF 2012**

**BETWEEN:**

**JAMES CLEMENT .....CLAIMANT**

**AND**

**PRIME INSURANCE COMPANY LTD.....DEFENDANT**

**CORAM**

**Mrs T. Soko : Assistant Registrar**

**Minjale : Counsel for the claimant (acting on brief)**

**Mrs Mkandawire : Court Clerk**

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**ORDER TO STRIKE OUT A DEFENCE**

This is an order to strike out a defence following an application by the claimant. The application was made 13<sup>th</sup> October 2017 and it was heard on 27<sup>th</sup> March 2018 after one adjournment on 31<sup>st</sup> October 2017. Counsel stated that the Court gave directions that parties exchange the list of documents within 14 days but the defence did not comply. Counsel then prayed that the defence be struck out and judgment entered in favour of the claimant.

Before I make the determination I must say that I have perused though the Court record and find that the summons to strike out the defence was dismissed for nonattendance on 7<sup>th</sup> November 2017. There is no

application to restore the application or proceedings in that application. As such the Court cannot proceed to make the determination on the application which was dismissed.

*promised in Chamber on the 12th for the*



T. Soko

Assistant Registrar