



**JUDICIARY  
IN THE HIGH COURT OF MALAWI  
PRINCIPAL REGISTRY  
LAND CAUSE NO. 80 OF 2015**

**BETWEEN:**

**SAMSON KAMWENDO (Suing on his own  
behalf and on behalf of Chiwere Family) ..... PLAINTIFF**

**-AND**

**MAURICE RICHARD BULUHANI ..... DEFENDANT**

**CORAM: THE HONOURABLE JUSTICE KENYATTA NYIRENDA**

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**ORDER**

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*Kenyatta Nyirenda, J.*

The present proceedings were commenced on 19<sup>th</sup> November 2015. The Plaintiff commenced an action against the Defendant for damages and an injunction order restraining the Defendant, its agents and/or servant from entering, using, occupying and from further developing the Plaintiff's land located in Liundi Village, Traditional Authority Chowe in Mangochi District.

The Plaintiff obtained an order of interlocutory injunction on 25<sup>th</sup> February 2016, following an inter-partes hearing on 18<sup>th</sup> February 2016. On 30<sup>th</sup> May 2017, the Plaintiff was granted leave to commence committal proceedings. No step whatsoever has been taken by either party in respect of the main proceedings since the issuance of the Statement of Claim on 19<sup>th</sup> November 2015.

Order 12, r.56, of the Court (High Court) (Civil Procedure) Rules [Hereinafter referred to as "CPR"] comes into play where there is such non-action. The provision is couched in the following terms:

*"The Court may strike out a proceeding without notice, if there has been no step taken in the proceedings for 12 months."*

In the present proceedings, more than 12 months have elapsed without the Plaintiff taking steps to prosecute this case. This is clearly an abuse of court process. I have no option but to strike out the proceedings herein. It is so ordered.

In light of the foregoing and by reason thereof, the Registrar's attention is drawn to Order 12, r.58, of CPR.

Pronounced in Chambers this 18<sup>th</sup> day of May 2018 at Blantyre in the Republic of Malawi.

A handwritten signature in black ink, appearing to be 'Ken', enclosed within a hand-drawn oval. A long horizontal line extends from the right side of the oval.

**Kenyatta Nyirenda**  
**JUDGE**