

**JUDICIARY  
IN THE HIGH COURT OF MALAWI  
PRINCIPAL REGISTRY  
CIVIL CAUSE NO. 349 OF 2017**

**BETWEEN:**

**DONALD CHIKHALA (on her own behalf and  
of the dependants of SAMSON CHIKHALA) ..... PLAINTIFF**

**-AND-**

**YUSUF RAVAT ..... 1<sup>ST</sup> DEFENDANT**

**BRITAM INSURANCE COMPANY LIMITED ..... 2<sup>ND</sup> DEFENDANT**

**CORAM: THE HONOURABLE JUSTICE KENYATTA NYIRENDA**

Mr. Nanthuru, of Counsel, for the Defendant

Mrs. Doreen Mkangala, Court Clerk

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**ORDER**

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*Kenyatta Nyirenda, J.*

The present proceedings were commenced on 5<sup>th</sup> May 2016 by a specially endorsed writ of summons and are in connection with an accident involving motor vehicle registration number TO 3467 Toyota Land Cruiser.

On 12<sup>th</sup> May 2016, the Defendants filed an acknowledgement of service of the writ of summons in which they stated their intention to contest the proceedings. The Plaintiff has taken no other step in these proceedings since 5<sup>th</sup> May 2016.

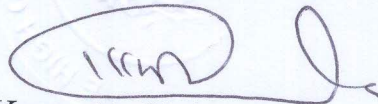
Order 12, r.56, of the Court (High Court) (Civil Procedure) Rules [Hereinafter referred to as "CPR"] comes into play where there is such non-action. The provision is couched in the following terms:

*"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 2 years have elapsed without the Plaintiff taking further 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 10<sup>th</sup> day of August 2018 at Blantyre in the Republic of Malawi.



**Kenyatta Nyirenda**

**JUDGE**