

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 1ST DEFENDANT

BRITAM INSURANCE COMPANY LIMITED 2ND DEFENDANT

CORAM: THE HONOURABLE JUSTICE KENYATTA NYIRENDA

Mr. Nanthuru, of Counsel, for the Defendant

Mrs. Doreen Mkangala, Court Clerk

ORDER

Kenyatta Nyirenda, J.

The present proceedings were commenced on 5th 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 12th 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 5th May 2016.

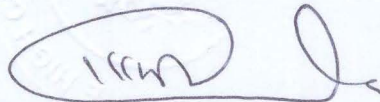
Order 12, r.56, of the Court (High Court) (Civil Procedure) Rules [Hereinafter referred to as "CPR"] comes into play where there is such non-action. The provision is couched in the following terms:

"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 10th day of August 2018 at Blantyre in the Republic of Malawi.

A handwritten signature in dark ink, consisting of a stylized 'K' followed by a flourish, enclosed within an oval shape.

Kenyatta Nyirenda

JUDGE