



JUDICIARY
IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
MISCELLANEOUS APPLICATION NO. 15 OF 2017
(Being Civil Cause No 15 of 2017 before the Resident Magistrate's Court
Sitting at Midima)

BETWEEN

DOROTHY EDWARDS (Suing on her own

behalf and on behalf of other Beneficiaries

of the estate of SNOWDEN EDWARD, deceased) PLAINTIFF

AND

ANTHONY JAENDA 1ST DEFENDANT

PRIME INSURANCE COMPANY LIMITED 2ND DEFENDANT

CORAM: THE HONOURABLE JUSTICE KENYATTA NYIRENDA

Mrs. Doreen Nkangala, Court Clerk

ORDER

Kenyatta Nyirenda, J.

The Plaintiff commenced proceedings in the Resident Magistrate's Court sitting at Midima (lower court) against the Defendants claiming damages for loss of expectation of life, loss of dependency and funeral expenses.

The Plaintiff applied to have proceedings transferred from the lower court to this Court and the application was duly granted on 16th May 2017. The Plaintiff has taken no steps in these proceedings since then.

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 16 months have elapsed without the Plaintiff taking steps to prosecute this case. This is clearly an abuse of court process. Public policy requires that litigation must come to an end. There should be a point where matters should be closed. In the premises, 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 Court this 27th day of September 2018 at Blantyre in the Republic of Malawi.

A handwritten signature in blue ink, consisting of a large, stylized 'K' followed by a cursive 'N' and a final flourish.

Kenyatta Nyirenda
JUDGE