



MALAWI JUDICIARY

IN THE HIGH COURT OF MALAWI

PERSONAL INJURY CASE NO. 73 OF 2019

BETWEEN

THOMAS MITEPA

PLAINTIFF

AND

GENERAL ALLIANCE COMPANY LIMITED.

DEFENDANT

CORAM:

H/H MAKHALIRA

ASSISTANT REGISTRAR

APPLICANT REPRESENTED BY

MR. ANUWA OF COUNSEL

RESPONDENT

ABSENT

COURT CLERK

MADALITSO GALAFA

JUDGEMENT ON ASSESSMENT OF DAMAGES

By a settlement agreement by the parties entered on the 20th of May, 2019, the defendant accepted liability for the personal injuries suffered by the claimant.

It was further agreed that damages and costs payable to the applicant shall be agreed by the parties within 14 days from the date of the agreement failing which they would be assessed by the Registrar.

It appears that the parties failed to agree on the damages and costs payable and a notice of appointment for assessment was then failed with court.

The matter was then set down for assessment hearing on the 12th of August, 2019.

The applicant and his counsel were present for the assessment hearing but the defendant despite the court being informed by counsel for the claimant that they were duly served with the notice of the assessment hearing were absent and no reasonable excuse for nonattendance was provided.

The court then proceeded with the hearing in the absence of the respondent.

Only one witness, the claimant himself, gave evidence.

In his oral evidence under oath, the claimant identified himself as Thomas Mitepa from Mtenje village, T/A Machinjiri, Blantyre.

He then identified his witness statement to which he said were attached a medical report, X-ray photos, health certificate and a police report.

The witness statement together with the attachments were tendered as evidence and these were marked as EXP.W1.

In his further oral evidence, the claimant, told the court that he suffered a fractured right arm, lost two teeth, injury to his neck and further injuries to his ribs and chest.

