



REPUBLIC OF MALAWI  
MALAWI JUDICIARY  
IN THE HIGH COURT OF MALAWI  
PRINCIPAL REGISTRY  
MISCELLANEOUS CASE NO. 185 OF 2019

BETWEEN

SAJJAD SATTAR..... CLAIMANT

AND

SIYAF SATTAR..... DEFENDANT

Coram Hon Justice Jack N'riva, Judge  
Counsel for the defendant Mr Wame  
Ms. D Mithi, Court Clerk

ORDER

This matter came before me on 19<sup>th</sup> December, instant, for an application by the defendant to suspend the operation of the judgment of the court below pending appeal. I dismissed the application. The defendant has come again with another application; for the Court to exercise supervisory powers over the trial court's decision on costs.

If I call for the file for review, that will mean that the execution of the judgment in the court below will be stayed (section 26(2) of the Courts Acts. In my view, the defendant intends to get the stay of the decision of the court below *via* another route. In any event, that will be splitting hairs, that I should deal with the review of costs when the defendant has appealed against the substantive case. I believe the issue of costs can also be dealt with in the very appeal that the defendant has lodged. That would serve space and time.

My view is that dealing with the case the defendant is suggesting may defeat section 28 of the Courts Act where no revision lies where a party could have appealed.

For these reasons, I dismiss the application.

MADE the 24<sup>th</sup> day of December, 2019

  
J N RIVA

JUDGE