



**JUDICIARY  
IN THE HIGH COURT OF MALAWI  
LILONGWE DISTRICT REGISTRY  
CIVIL CAUSE NO. 1039 OF 2014**

**BETWEEN:**

**FINANCE BANK MALAWI LIMITED**

**(IN VOLUNTARY LIQUIDATION) ..... PLAINTIFF**

**-AND-**

**NATION PUBLICATIONS LIMITED ..... DEFENDANT**

**CORAM: THE HONOURABLE JUSTICE KENYATTA NYIRENDA**

Mr. D. K. Itai, Court Clerk

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**ORDER**

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*Kenyatta Nyirenda, J.*

I became seised of this case on 12<sup>th</sup> January 2019.

The proceedings herein were commenced on 23<sup>rd</sup> September 2014. The Plaintiff claims damages for libel and the sum of K191,318.32 being the costs of advertisements. The Defendant filed its Defence on 29<sup>th</sup> October 2014.

The Plaintiff has taken no other step since 9<sup>th</sup> February 2017 to prosecute its claim.

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 4 years have elapsed without the Plaintiff taking 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 5<sup>th</sup> day of February 2019 at Lilongwe in the Republic of Malawi.

**Kenyatta Nyirenda**  
**JUDGE**