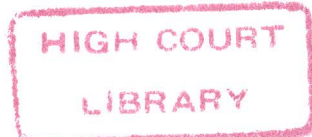


Library



REPUBLIC OF MALAWI

IN THE HIGH COURT OF MALAWI

PRINCIPAL REGISTRY

PERSONAL INJURY CASE NO. 613 OF 2017

BETWEEN:

ELUPHY SADALA.....CLAIMANT

AND

SIKU TRANSPORT.....DEFENDANT

CORAM: WYSON CHAMDIMBA NKHATA (AR)

Mumba- of Counsel for the claimant

Chitsulo- Court Clerk and Official Interpreter

ORDER ON ASSESSMENT OF DAMAGES

The claimant in this matter took out a writ of summons issued on the 24th of October 2017 against the defendant claiming damages for pain and suffering, loss of amenities of life and disfigurement in excess of sums payable by the insurers, special damages as pleaded in excess of sums payable by the insurers and costs of this action. On the 9th of July 2018, the parties appeared before Honourable Justice N’riva for mediation. Thereupon, it was ordered that judgment be entered for the claimant and that parties should agree on damages and costs payable. It was further ordered that should the parties fail to agree the matter would be referred to the Registrar for assessment. This is the court’s order on assessment of damages.

The matter was scheduled for assessment of damages on the 28th of February 2019. The record indicates that the matter had been adjourned several times before this date. The defendant did not avail themselves for trial. There being evidence that they had been duly served with a notice of the assessment of damages, the court proceeded hearing the claimant in their absence. The claimant was the sole witness for her case. She adopted her witness statement in which she stated that she was involved in a road accident on the 13th of May 2015. The accident occurred at Chirimba Bridge along the Old Chileka road. It involved motor

