

Libra  
Library



**JUDICIARY  
IN THE HIGH COURT OF MALAWI  
CIVIL DIVISION  
PRINCIPAL REGISTRY  
PERSONAL INJURY CASE NUMBER 900 OF 2016**

**BETWEEN:**

**BONFACE TEMBO.....PLAINTIFF**

**-AND-**

**ALUMINIUM ROLLING MILLS LTD.....1<sup>ST</sup> DEFENDANT**

**KINGFISHER INSURANCE BROKERS.....2<sup>ND</sup> DEFENDANT**

**CORAM: THE HONOURABLE JUSTICE JACK N'RIVA  
Mr. Msungama, Counsel for the Claimant  
Mr. Kandeya, Counsel for the Defendant  
Mrs. D Nkangala, Court Clerk and Official Interpreter**

---

**ORDER**

---

This matter was set down for hearing.

On the hearing date counsel for the defendant made an application to cease acting for the defendants. This was an oral application.

I adjourned for a ruling because I had reservations with the way the application came.

Under Order 33 rule 3 of Courts (High Court) (Civil Procedure) Rules, a legal practitioner may apply for an order declaring that he has ceased to be a legal practitioner for a party. I reckoned that the application was made orally. However,

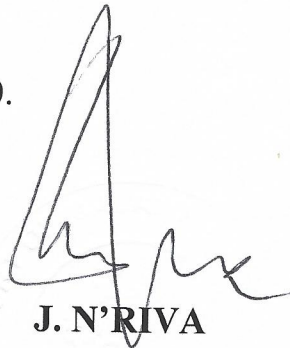
under this rule there has to be notice to the party for whom the practitioner is acting, unless the court directs otherwise.

I believe that the application had to be made under this rule. In the circumstances, I order that the application should be made with notice to the parties counsel was representing.

Upon hearing the application, I will give necessary directions at the conduct of the case. That as it may, it seems to me that the case is not trial-ready. It does not appear that we had a scheduling conference, although we have a pretrial checklist filed by the defendant. Further, the record does not have any trial bundle.

Thus on one meeting or sitting we should be able to resolve all these issues. I will set down a date for this exercise.

MADE this 13<sup>th</sup> day of March, 2020.

A handwritten signature in black ink, appearing to read 'J. N'RIVA', is written over a faint circular stamp. The signature is stylized and cursive.

**J. N'RIVA**  
**JUDGE**