

IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CIVIL CAUSE NO. 1077 OF 1994

BETWEEN

AUBREY C.K. PHIRI.....PLAINTIFF
AND
THE ATTORNEY GENERAL.....DEFENDANT

CORAM: R.R. Mzikamanda, Senior Deputy Registrar
Chirwa, for the plaintiff

RULING

This is an assessment of damages following a default judgement signed on 19th July, 1994. The defendant did not attend the assessment although there was due service as evidenced by affidavit of service.

The plaintiff is a messenger at Post and Telecommunications office in Blantyre. On 10th October, 1993 he was standing along Haile Salassie street in Blantyre when he was shot at on the left leg. It was two police who were standing near by who fired the shots. The plaintiff was immediately taken to hospital. He was unconscious. He was in hospital for two weeks. He was at home on off duty for 14 days following his discharge from hospital. He continues to visit hospital. He has 8% permanent incapacity as per the medical report EXPl.

I observed the plaintiff as he testified. I thought he was reliable. I have examined the evidence on the present matter. The claim is for compensation for injuries sustained on the leg and costs of these proceedings. There is no doubt on my mind that following the gun shot the plaintiff suffered a lot of pain. He became unconscious. He continues to experience pain in the leg. He cannot walk normally such that there is loss of amenities. For all the above I would award a lumpsum of K18,000-00.

MADE in Chambers this th 19 day of December, 1995 at Blantyre.



R.R. Mzikamanda
SENIOR DEPUTY REGISTRAR