

IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CIVIL CAUSE NO. 1542 OF 1994



BETWEEN:

CLUB MAKOKOLA LIMITED.....PLAINTIFF

AND

THE ATTORNEY GENERAL (NATIONAL STATISTICAL OFFICE).....DEFENDANT

CORAM:

Qoto, Deputy Registrar
Matiya, for the defendant

ORDER

Upon reading the affidavit in support of the application and upon hearing Mr Matiya for the defendant, and further upon considering Order 13 rule 9 of the Rules of the Supreme Court and bearing in mind the principles laid down in Evans v Bartlam (1937) AC 473, I find that the defendants affidavits in support of the application disclose a meritable defence. The plaintiff's claim is for K12,672.00 in allegedly incurred in respect of services rendered to the defendants at the latter's own request. The affidavits disclose that the services were in fact not rendered by the plaintiff. If this defence was developed at the trial, it would afford a complete defence to the plaintiff's action. As such I cannot let the judgment herein stand on which there has been no proper adjudication.

I order that the default judgment be set aside. The defendant must within 14 days of this order serve a defence to the plaintiff's claim.

The defendant must also pay the plaintiff's costs thrown away.

Made in Chambers this 18th July, 1996 at Blantyre.

W.W. Qoto
DEPUTY REGISTRAR

