

See for
h

IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CIVIL CAUSE NO. 998 OF 1993

BETWEEN:

G J WANDAWANDAPLAINTIFF

AND

THE ATTORNEY GENERALDEFENDANT

CORAM: **TWEA, REGISTRAR**

Mhone counsel for the plaintiff

Chigawa counsel for the defendant

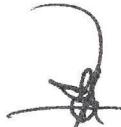
RULING

TWEA, REGISTRAR

I have examined the record. I wish to follow up on my opinion on 19th September, 1995 as to the requirement of parties to meet on intent. Procedures are not a mere formality they are there to serve a purpose. I do not think the defendant are guilty of undue delay. They took action soon after they were aware of default in the procedure. The plaintiff cannot be prejudiced by removing the advantage he may have acquired by the defence and in my view the technicalities herein is to the advantage of both parties as what will come up for decision is what the parties wish to be determined and not mere procedural issues.

I therefore allow the defendant's application to set aside judgement. Each party to bear its own costs.

Pronounced in Chambers this 18th day of March, 1998 at Blantyre.

A handwritten signature in black ink, appearing to be 'B. Twea', written over a horizontal line.

B Twea
REGISTRAR