

**JUDICIARY  
IN THE HIGH COURT OF MALAWI  
CIVIL DIVISION  
PRINCIPAL REGISTRY  
CIVIL CASE NUMBER 2547 OF 2008**

**BETWEEN:**

**YOTAMU LONGWE..... CLAIMANT**

**-AND-**

**THE REGISTERED TRUSTEES OF SEVENTH-DAY ADVENTIST  
HOSPITAL                      T/A                      BLANTYRE                      ADVENTIST  
HOSPITAL..... DEFENDANT**

**CORAM: THE HONOURABLE JUSTICE JACK N'RIVA**  
Ngwata for the defendant  
Mrs. D Mtegha, Court Clerk and Official Interpreter

**ORDER**

The Registrar, on 8 September, 2011 gave an "order for direction" for the conduct of this case. Nothing took place from that date, on 8 December 2011, the parties appeared before another Registrar. The defendant sought the order of the Registrar to dismiss the action for want of prosecution.

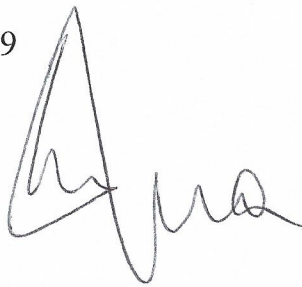
The Registrar did not dismiss the action. Instead, he gave an order to the claimant to take steps, within 14 days of the order, to take steps to prosecute the case "failing which the matter shall stand dismissed without further recourse to them."

The record is clear that the claimant has taken no further steps in the matter. I have before me a notice of hearing of an application the action, again for want of prosecution.

This is under Order 12 Rule 54 of the Courts (High Court) (Civil Procedure) Rule, 2017.

However, in the light of what I have narrated, the case was already dismissed by virtue of the failure to act within the days the Registrar had ordered. After all, both parties' lawyers were present when the Registrar made the order. The case remains dismissed. Because the application before me, and that before the Registrar, was due to the claimant's tardiness, I order the claimants pay the defendants costs.

**MADE** the 2nd day of May, 2019

A handwritten signature in black ink, appearing to read 'J. N'RIVA', written over a horizontal line.

J. N'RIVA

JUDGE