



IN THE HIGH COURT OF MALAWI
LILONGWE DISTRICT REGISTRY
CIVIL CAUSE NUMBER 624 OF 2016

ANNEX JUMPHA 1ST PLAINTIFF
- and -
ENESI JUMPHA 2ND PLAINTIFF
- and -

AND

MADALITSO MGUBA 1ST DEFENDANT
- and -

RE-UNION INSURANCE COMPANY LIMITED 2ND DEFENDANT

CORAM : HON. JUSTICE F.A. MWALE.
: Silungwe, of counsel for the claimants
: Taombe, of counsel for the defendants
: Mpandaguta, Court Interpreter

Mwale, J.

RULING

Introduction

1. This is an application to determine a matter on a point of law brought pursuant to order 10 rule 1 of the courts (High Court) (Civil Procedure) Rules, “the Civil Procedure Rules”, which simply provides that:

A party may apply during a proceeding for an interlocutory order or direction of the court by filing an application in a proceeding in Form 4.

2. The substantive action or proceeding in which this application is made is a claim for damages for pain and suffering, loss of amenities of life, disfigurement and special damages for injuries suffered as a result of road traffic accident. The claimants were cyclist and passenger of a bicycle which they claim was hit when the motor vehicle driven by the 1st defendant and insured by the 2nd defendant, negligently reversed into them. In their Defence, the 2nd defence, although not

