



IN THE HIGH COURT OF MALAWI

CIVIL DIVISION

PRINCIPAL REGISTRY

JUDICIAL REVIEW CAUSE NO. 23 OF 2021

JUDICIAL REVIEW CAUSE NO. 24 OF 2021

JUDICIAL REVIEW CAUSE NO. 26 OF 2021

JUDICIAL REVIEW CAUSE NO. 27 OF 2021

JUDICIAL REVIEW CAUSE NO. 28 OF 2021

JUDICIAL REVIEW CAUSE NO. 29 OF 2021

(Before Justice Rachel Sophie Sikwese)

BETWEEN

STATE (THE)

ON APPLICATION OF ITAYE1ST APPLICANT

TEMBO2ND APPLICANT

TAMBULASI3RD APPLICANT

MACHESO.....4TH APPLICANT

NJLOMOLE.....5TH APPLICANT

SHAMU.....6TH APPLICANT

AND

OFFICE OF THE OMBUDSMAN.....1ST RESPONDENT

MALAWI COMMUNICATIONS REGULATORY AUTHORITY

(MACRA).....2ND RESPONDENT

ORDER ON CONSOLIDATION OF CLAIMS

Pursuant to Order 6 Rule 9 of the Courts (High Court)(Civil Procedure) Rules, 2017

SIKWESE J

Procedural Background

1. On 18 May 2021, this Court granted permission to the first applicant, Godfrey Itaye, in Judicial Review Cause No. 23 of 2021, to apply for Judicial Review of the decisions and exercise of powers in the determination of the Ombudsman contained in a report dated 10 May 2021 titled "Secure in Deception".
2. There are now before this Court five further applications as follows:
 - 2.1 Judicial Review Cause No. 24 of 2021 filed by Dr Benson Matengambiri Tembo on 18 May 2021;
 - 2.2 Judicial Review Cause No. 26 of 2021 filed by Vilant Tambulasi on 19 May 2021;
 - 2.3 Judicial Review Cause No. 27 of 2021 filed by Henry Macheso on 19 May 2021;
 - 2.4 Judicial Review Cause No. 28 of 2021 filed by Stanford Njolomole on 19 May 2021;
 - 2.5 Judicial Review Cause No. 29 of 2021 filed by Henry Shamu on 20 May 2021.
3. All these applications are of the same nature and arise from the same Ombudsman's report highlighted above and against the same substantive party.

Considerations

4. Order 6 rule 9 of the Courts (High Court) (Civil Procedure) Rules, 2017 provides that:

The Court may, on its own motion or on an application by a party, order that several claims against one party be included in one proceeding where- (a) a common question of law or fact is involved in all the claims; (b) the claims arise out of the same transaction or event; or there is no good and sufficient reason for the claims to continue separately.
5. Since common questions of law and fact are involved in all the three claims and are against the same substantive party, it is proper that they be consolidated for expedience.

ORDERS

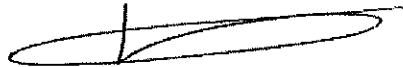
6. Judicial Review Causes No. 24, 26, 27, 28 and 29 of 2021 be consolidated with Judicial Review Cause No. 23 of 2021.
7. The consolidated matter shall proceed under the earliest claim, Judicial Review Cause No. 23 of 2021.

8. The applicants will appear in the order of date of filing their applications.
9. The Order of this Court issued in respect of Judicial Review Cause No. 23 of 2021 on 18 May 2021 shall apply *mutatis mutandis* to the consolidated claims.

DIRECTION

10. The Registrar is hereby DIRECTED to facilitate the consolidation of the court records and to further guide other potential applicants, if there will be any, under the same report, "Secure in Deception" seeking similar reliefs, to make use of Order 6, rule 5 of the Courts (High Court) (Civil Procedure) Rules, 2017, to apply to the court to be added as party to the proceedings herein instead of bringing separate fresh applications for Judicial Review.

Made this 20th day of May 2021 at **High Court (Civil Division) Blantyre.**



Rachel Sophie Sikwese

JUDGE