

**IN THE MALAWI SUPREME COURT OF APPEAL SITTING AT BLANTYRE
MSCA CIVIL APPEAL NO. 3 OF 2017**

[Being High Court, Lilongwe District Registry, Civil Cause Number 791 of 2008]

BETWEEN

FOLOMENTO MANETO & 31 OTHERS

APPLICANT

AND

THE REGISTERED TRUSTEES OF MCHINJI CATHOLIC CHURCH

RESPONDENT

CORAM: THE HON. MR JUSTICE L P CHIKOPA SC JA

B Mwenifumbo Ms. of Counsel for the Applicants

I Ottober Ms. of Counsel for the Respondent

Maluwa Mr. Court Clerk

RULING

Chikopa SC, JA

There is a bit of confusion, and that is putting it mildly, attending to this matter.

The Respondent successfully sued the Appellants in the High Court over land. The gravamen of the judgment is that the Appellants should vacate a piece of land the subject of the suit. The judgment is dated May 11th, 2016.

On June 3th, 2016 the Appellants were granted leave to appeal against the above judgment. They also brought an application seeking to stay execution of the above judgment before the High Court. The same was dismissed by a ruling dated August 26th, 2016. On January 3rd, 2017 the Respondents applied for leave to appeal against the ruling of August 26th, 2016.

On January 21st, 2017 the Appellant applied to the Malawi Supreme Court of Appeal for a stay of the judgment of the High Court of May 11th, 2017 pending

untenable. And as clear enough an abuse of the court process as you will come across. The Appellants should, if we might say so, decide what it is that they want to do about the various orders of the High Court and thereafter proceed in accordance with procedure and the law.

The application is accordingly dismissed.

On costs we think each party should pay its own fare. The Appellants do not read like the kind that would be in a position to afford the Respondent's costs. We order accordingly.

Dated at Blantyre this of 24th day of April 2017.


L.P. CHIKOPA SC

JUSTICE OF APPEAL