



MALAWI JUDICIARY

IN THE HIGH COURT OF MALAWI

SITTING AT BLANTYRE PRINCIPAL REGISTRY

CIVIL CAUSE NO. 234 OF 2016



BETWEEN

RICHARD MAGOMBO **PLAINTIFF**

and

GOVERN BANDA & PERSONS UNKOWN **DEFENDANT**

CORAM : **HIS HON. N. USIWA USIWA..... DEPUTY REGISTRAR**
Mr. B Theu of Counsel for the Plaintiff
Mr Chiume of Counsel for the Defendant
Mr. M. KakhobweOfficial Interpreter

ORDER ON SUMMARY POSSESSION OF LAND

Earlier today I sat to hear the Plaintiff's application for an order for summary possession of land under Order 113 RSC. To wit, he prays for an order to recover vacant possession of "his" Plot No. **49/6/1119**.

The Plaintiff in his affidavit states that in September 2006 the Lilongwe City Council offered him Plot No **49/6/1119** as a replacement for another plot. He further claims that in the same month the Council **mistakenly** sent him a conditional offer of plot No. 49/6/2501 after which the Council is said to have apologized and urged him to go on with Plot No. **49/6/1119**.

On the other hand, the Defendant claims among other things that he was given Plot No. **49/6/1119** a year earlier in 2005 by the then Chief Executive Officer of Lilongwe City Council the late Donton Mkandawire.

The Defendant states that prior to that he was given a plot in Area 25. The encroachers took it. Then the Council gave him Plot No. **49/6/1119** as a replacement plot.



