



MALAWI JUDICIARY

IN THE HIGH COURT OF MALAWI

PRINCIPAL REGISTRY

JUDICIAL CAUSE NO. 62 OF 2016

**BETWEEN:**

**THE STATE**

**AND**

**THE COMMISSIONER GENERAL OF THE MALAWI REVENUE  
AUTHORITY.....RESPONDENT**

**AND**

**EX-PARTE: HUSSEIN JUSSAB.....1<sup>ST</sup> APPLICANT**

**NAZIR JUSSAB.....2<sup>ND</sup> APPLICANT**

**CORAM: THE HON. JUSTICE H.S.B. POTANI**

**Mr. W. Hara, Counsel for the Applicants**

**Mrs. B. Mangwela, Counsel for the Respondent**

**Mr. Kanchiputu, Court Clerk**

### **RULING**

Pursuant to Order 53 of the Rules of the Supreme Court (RSC) and through an *ex parte* application made on August 4, 2016, the applicant sought the leave of the court to commence judicial review proceedings for purposes of challenging the decision of the respondent made on June 27, 2016, to seize vehicles belonging to the applicants for non-payment of customs duty when the respondent knows that the importer of the vehicles was and is still under customs obligations to pay duty. Bearing in mind that the purpose of the requirement of leave is to eliminate frivolous,

