



IN THE SUPREME COURT OF APPEAL SITTING AT BLANTYRE

MSCA CIVIL APPEAL NO. 38 OF 2016

(Being High Court – Lilongwe District Registry – Misc Civil Cause No. 357 of 2008)

BETWEEN

ATTORNEY GENERALAPPELLANT

AND

B. S. MSALIKARESPONDENT

CORAM: Justice Anthony Kamanga, SC, JA

Ms Itimu, Senior State Advocate, for the Appellant

Ms Ngwira of Counsel for the Respondent

Minikwa Recording Officer

RULING

Justice Anthony Kamanga, SC, JA

1. Introduction

1.1 On 4th July, 2016, the Respondent filed summons for an application to dismiss or to strike out an appeal by the Attorney General on account of failure by the Attorney General to set down the appeal, and for want of prosecution. The hearing of the application was set down for 12th July, 2016.

1.2 When the Respondent's application came before me on 12th July, 2016, the hearing of the application could not proceed principally because Counsel for the Attorney General who appeared before me on that day sought an adjournment. The request for an adjournment was supported by a letter reference number AG/788/9659 dated 11th July, 2016, from the Attorney General and addressed to the Registrar of this Court. The letter was received by the Registrar on 12th July, 2016.

1.3 The basis of the request for an adjournment of the hearing of the application, as outlined in the letter from the Attorney General, was as follows-



