



IN THE SUPREME COURT OF APPEAL SITTING AT BLANTYRE

MSCA CIVIL APPEAL NO. 50 OF 2015

(Being High Court (Commercial Division) Commercial Case No. 182 of 2013)

BETWEEN

BAZUKA MICHAEL KALWEFU MHANGOAPPLICANT

AND

NEW BUILDING SOCIETY BANK LIMITEDRESPONDENT

CORAM: Justice Anthony Kamanga, SC, JA
Theu of Counsel for the Appellant
Mpaka of Counsel for the Respondent
Minikwa Recording Officer

RULING

Justice Anthony Kamanga, SC, JA

1. Introduction

1.1 This matter has had a troubling history, and first came before me on 20th April, 2016. On that occasion the Applicant had filed an application for leave to appeal, pursuant to section 21 of the Supreme Court of Appeal Act as read with O. III r. 3 of the Supreme Court of Appeal Rules, in relation to proceedings in Commercial Case No. 182 of 2013 in the High Court – Commercial Division - in Blantyre. At the time I noted and indicated, among other things, that the Applicant's application was at variance with the relief sought by the Applicant in the affidavit filed in support of the application; that whereas the application was for leave to appeal against a decision of the court below, the prayer in the Applicant's affidavit sought a stay of the proceedings in the court below pending the hearing of an appeal. I also noted and indicated that it was not clear from the documents that had been filed whether, in terms of O. I r. 18 of the Supreme Court of Appeal Rules, leave to appeal had been sought from, but denied by, the court below. I, accordingly, refused to entertain the application.

