

IN THE HIGH COURT OF MALAWI AT BLANTYRE
CIVIL CAUSE NO. 386 OF 1985

BETWEEN:

THE ATTORNEY GENERAL PLAINTIFF

- and -

A.B. MUNTHALI DEFENDANT

Coram: SKINNER, Chief Justice

UNYOLO, J.

Jere and Matenje, Counsel for the Plaintiff
Defendant, absent, unrepresented
Manda, Court Reporter
Kaundama, Official Interpreter

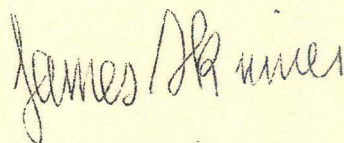
J U D G M E N T

There is an application made by the Attorney General under the provisions of section 21 of the Legal Education and Legal Practitioners Act seeking an order suspending Mr. A.B. Munthali, hereinafter referred to as the legal practitioner from practice or alternatively seeking that he should be struck off the roll of practitioners.

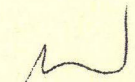
It is alleged in the petition that the practitioner was in practice on his own account without partners and that in 1983 he left this country for Zambia and has not returned and has made no arrangement for his practice to be carried on or for the affairs of his clients to be looked after. The Attorney General has been unable to affect service of the papers and he applies for an order for substituted service. It is deposed that all reasonable and practicable efforts have been made to locate the whereabouts of the practitioner but that these had been fruitless and personal service on the legal practitioner within the jurisdiction is, of course, impossible and personal service outside the jurisdiction cannot be effected because his present whereabouts are unknown. The Attorney General asks that there be substituted service by way of advertisement in either the Daily Times or the Malawi News. We think this is a proper case in which to order

substituted service by way of advertisement. A legal practitioner cannot defeat the provisions of the Legal Education and Legal Practitioners Act by absconding from the country. Consequently, we order that service herein be effected on the legal practitioner by way of substituted service namely by the insertion of an advertisement in one issue of the Daily Times and in one issue of the Malaŵi News and further an insertion in one issue of the Times of Zambia. The wording of advertisement to be settled by counsel and to be approved by the Registrar of the High Court.

PRONOUNCED in open court this 31st day of July,
1985, at Blantyre.



J.J. Skinner
CHIEF JUSTICE



L.E. Unyolo
JUDGE