

REPUBLIC OF MALAWI
MALAWI JUDICIARY
IN THE HIGH COURT OF MALAWI
MZUZU DISTRICT REGISTRY
CIVIL CAUSE NO. 287 OF 2015

BETWEEN

RESERVE BANK OF MALAWI
PLAINTIFF

-and-

MR. ANDREW MTAMBO
DEFENDANT

Coram : Honorable Mr. Justice D.T.K. Madise
Mr. T.C. Nyirenda Counsel for the Plaintiff
Defendant/Present unrepresented
Mr. A.M. Mhone Official Interpreter
Mr. C.B. Mutinti Court Reporter

Madise, J

JUDGMENT

1.0 Introduction

1.1 The Plaintiff took out originating summons on 20 October 2015 against the Defendant for trespass to the land. The Plaintiff has filed three affidavits in support of the summons. These are:

1. Mennan Misolo Reserve Bank of Malawi.
2. Anold Thumba Regional Commissioner for Lands.
3. Masida Mbano Regional Survey General (N).

1.2 These are all agreed that indeed the Defendant has trespassed on the Plaintiff's land by 1.789m by 0.588m.

1.3 The Defendant has not opposed the summons. There have not filed a single document in opposition.

2.0 Finding

2.1 I therefore, looking at the summons as supported by the three affidavits find that the Defendant has encroached into the Plaintiff's land and I grant the reliefs sought in the originating summons.

3.0 Costs

The Defendant is condemned in costs of the action.

Pronounced in **Open Court** at Mzuzu in the Republic this 16th day of December, 2015.

Dingiswayo Madise
JUDGE