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IN THE HIGH COURT OF MALAWI

PRINCIPAL REGISTRY

PERSONAL INJURY CAUSE NUMBER 987 OF 2015

BETWEEN:

STEVE FRED

PLAINTIFF

AND

G4S SECURE SOLUTIONS (MALAWI) LIMITED

DEFENDANT

CORAM: JUSTICE M.A. TEMBO,

Sauti, Counsel for the Plaintiff

Mwandira, Counsel for the Defendant

Mankhambera, Official Court Interpreter

ORDER

This is this court's order on the defendant's inter partes application for suspension of payment of a money order following an assessment of damages by the Registrar as ordered by this Court after a full trial in this matter.

The plaintiff got a judgment after a full trial for personal injuries he suffered as a result of the alleged negligence and breach of statutory duty by the defendant, in that the defendant through its employee, a supervisor of the plaintiff, assigned the plaintiff to take a guard dog without proper precautions resulting in the dog biting and injuring the plaintiff.

The damages were assessed by the Registrar. The defendant is dissatisfied by the assessment and contends that the Registrar erred by taking into account injuries that the plaintiff did not particularized in his statement of claim in this matter.

The defendant intends to appeal against the order of assessment of damages.

The defendant could not however convince this Court as to why it has failed to pay the sum of K1 000 000 that was a condition of the ex parte order suspending enforcement of the Registrar's assessment of damages order.

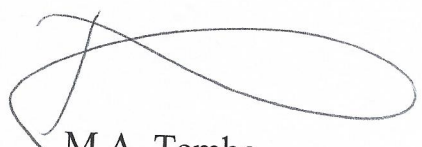
This Court is of the view that the conduct of the defendant is oppressive. It could not convince this Court that it did not have sufficient time to pay the K1 000 000 that was a condition of the ex parte enforcement suspension order herein.

The considered view of this Court is that by the time of the hearing of the inter partes application to suspend enforcement of the Registrar's order on assessment of damages the defendant should have paid the K1 000 000.

In the circumstances, injustice will be done to the plaintiff if the suspension of the enforcement of the Registrar's order is continued where the defendant is not complying with the condition imposed by this Court in this case to make part payment of the damages ordered by the Registrar.

The ex parte order suspending enforcement of the Registrar's order of damages is vacated and the instant application fails with costs to the plaintiff.

Made in chambers at Blantyre this 3rd December 2018.



M.A. Tembo

JUDGE

