

# Bertha Saizi v Hallmark Creations Limited

## Personal Injury Cause Number 137 of 2019

### Summary

<b>Court:</b>	High Court of Malawi
<b>Registry:</b>	Civil Division
<b>Bench:</b>	Honourable Justice Allan Hans Muhome
<b>Cause Number:</b>	Personal Injury Cause Number 137 of 2019
<b>Date of Judgment:</b>	December 02, 2024
<b>Bar:</b>	Mr Hussein Edward, Counsel for the Claimant Mr Welkam Phiri, Counsel for the Defendant

The Claimant initiated a personal injury claim against the Defendant in the High Court, Principal Registry, alleging that her employer's negligence caused her to develop several ailments, including severe pneumonia and asthma, due to exposure to ink products. The Claimant, who worked as a cleaner and later as a production assistant in the embroidery department, contended that she was sometimes asked to assist in the screen printing section where she was exposed to ink. The Defendant, however, denied all claims, asserting that the Claimant worked in the embroidery section, which does not use ink, and that the workplace was well-ventilated. The Defendant's managing director testified that

the Claimant was employed in a section that does not use ink products. The Claimant's medical reports, which particularised her ailments, were submitted as evidence but were received by the Court subject to the hearsay rule as the authors were not called to testify. The Defendant's counsel was the only party to provide written submissions.

The principal issue before the Court was whether the Claimant had proven on a balance of probabilities that the Defendant's negligence, specifically the alleged exposure to ink products, caused her health problems. The Court dismissed the claim in its entirety, finding that the Claimant had failed to prove her case on a balance of probabilities. The Court reasoned that there was no direct evidence to link the Claimant's illness to the ink products, and her assertion that she worked in the screen printing section was not supported by any witness testimony. The Court reiterated that causation requires more than mere speculation and must be supported by evidence. The Court, therefore, dismissed the claims with costs.