

# Chikondi Banda v Satemwa Tea Estate Company (Personal Injury 219 of 2016) 2018 MWHC 781

## Summary

<b>Court:</b>	High Court of Malawi
<b>Registry:</b>	Civil Division
<b>Bench:</b>	Honourable Justice Nriva
<b>Cause Number:</b>	Personal Injury Case Number 219 of 2016
<b>Date of Judgment:</b>	June 18, 2018
<b>Bar:</b>	Counsel for the Claimant not mentioned Counsel for the Defendant not mentioned

The Defendant applied to the High Court, Principal Registry, for an order setting aside a default judgment that had been dismissed by the Assistant Registrar. Following the dismissal, the Defendant obtained a stay of execution from the Senior Deputy Registrar pending an appeal to a judge in chambers. The issue before the Court was whether the Judge had the inherent jurisdiction to hear an appeal from a registrar's decision.

The Court, after careful consideration, determined that while the Courts (Exercise of Jurisdiction of Registrar) Rules previously allowed for such appeals, these rules were revoked by the Courts (High Court) (Civil Procedure) Rules 2017. The Court found no provision within the new rules that conferred jurisdiction on a judge to hear appeals from a registrar. The Court further clarified that inherent jurisdiction cannot be invoked to assume jurisdiction where none is provided for by law. The appeal was therefore dismissed for want of a statutory or procedural basis. Consequently, the stay order obtained from the Senior Deputy Registrar was also vacated, as it was made in anticipation of the appeal.