

Easy Pack Limited v Abdul James and 4 Others

Miscellaneous Case Number 13 of 2025

Summary

Court:	High Court of Malawi
Registry:	Civil Division
Bench:	Honourable Justice Allan Hans Muhome
Cause Number:	Miscellaneous Case Number 13 of 2025
Date of Judgment:	June 07, 2025
Bar:	Mr. Bentry Nyondo, Counsel for the Applicant. Counsel for the Respondents: Mr. Nthembako Banda

The Applicant appealed to the High Court, Principal Registry, against a judgment of the Principal Resident Magistrate's Court, which awarded the Respondents K30,000,000.00 in damages for false imprisonment. The lower court had discharged a stay of execution, and the High Court had granted a temporary stay without notice.

The Court had to determine if a stay of execution could be maintained in the absence of a valid appeal.

The application for a stay was dismissed, and the Court ordered the stay previously granted to be discharged. The Court's reasoning was that a court cannot be called upon to grant a stay of execution where there is no valid appeal. The notice of appeal was ineffectual as it was filed out of time without leave, and the reason of having an unlicensed counsel was not a good ground. The Court ordered the Applicant to pay the judgment debt within seven days and directed that each party bear their own costs for the High Court proceedings.