

Ellen Ngalande v Lewis Kamundi and Persons

Unknown Civil Cause Number 270 of 2022

Summary

Court:	High Court of Malawi
Registry:	Civil Division
Bench:	Honourable Justice Allan Hans Muhome
Cause Number:	Civil Cause Number 270 of 2022
Date of Judgment:	June 20, 2025
Bar:	Mr. Mauya Msuku, Counsel for the Claimants Mr. Kirby Kasinja, Counsel for the 1st Defendant

The Claimant sought a permanent injunction and damages for trespass against the Defendants, asserting ownership of a piece of land in Blantyre District. The 1st Defendant denied the claims, also asserting ownership of the same property. The dispute arose after the Claimant purchased the land in 2021 and began construction, only to discover the 1st Defendant had previously bought the same parcel in 2019. Following this discovery, the parties entered into discussions, with the 1st Defendant proposing a settlement sum of K5,500,000 to relinquish his claim, but a final agreement was not reached. The 1st Defendant, who resides in the United Kingdom, allegedly instructed a second, unnamed party to

threaten demolition of the Claimant's structures.

The principal questions for the Court were to determine rightful ownership of the land and to decide what, if any, remedy was appropriate. The Court held that the 1st Defendant was the first to purchase the property in 2019 and that the subsequent sale to the Claimant in 2021 was fraudulent. However, the Court considered it inequitable to completely dispossess the Claimant, given she had already invested in constructing structures on the property. The Court found that the Claimant had failed to prove damages for trespass. The application for a permanent injunction was thus not granted. The Court ordered the Claimant to pay the 1st Defendant the proposed sum of K5,500,000, along with simple interest from 1 April 2022, within 60 days of the judgment, to settle the matter. The Court further directed that each party should bear their own costs.