

Lazarous Kanthomba v. Speedy's Limited

Summary

Court:	High Court of Malawi
Registry:	Civil Division
Bench:	Honourable Justice Kenyatta Nyirenda
Cause Number:	HC/PR Civil Cause 2854 of 2006
Date of Judgment:	February 01, 2016
Bar:	Mr. Chipembere, Counsel for the Plaintiff Mr. Sauti, Counsel for the Defendant

The Plaintiff commenced an action in the High Court, Principal Registry, seeking either rescission of a motor vehicle sale contract or damages in the alternative. The dispute arose from the sale of an Isuzu Dropside 4 Tonner vehicle. Following the hearing of the case, the Court ordered both parties to file final written submissions within 14 days of 2nd June 2015. While the Defendant complied with this direction and filed their submissions on 24th June 2015, the Plaintiff failed to do so for over seven months.

Consequently, the Court dismissed the Plaintiff's action due to the failure to comply with its directions. However, the Court provided the Plaintiff with an

opportunity to have the case restored to the cause list on the condition that their counsel files the written submissions within seven days of the order. In the event that the Plaintiff complies, the Defendant is at liberty to file submissions in reply within seven days of being served.