

Rankin Bwanali vs Roads Authority

Summary

Court:	High Court of Malawi
Registry:	Civil Division
Bench:	Honourable Justice Allan Hans Muhome
Cause Number:	Civil Cause Number 293 of 2019
Date of Judgment:	December 05, 2024
Bar:	For the Claimant: Mr. Noel Supedi For the Defendant: Mr. Bruno Matumbi

The Claimant sought damages for alleged negligence against the Defendant, a statutory body responsible for road construction. The Claimant, a leasehold owner of a commercial property, contended that the Defendant's use of heavy machinery during road construction caused vibrations that led to cracks in his building. The Claimant's witnesses testified that the shaking of the building was heavy enough to cause items to fall from shelves and that their own properties also developed cracks. In contrast, the Defendant's project engineer testified that the construction vibrations were within acceptable levels and would dissipate over the 20-meter distance to the Claimant's property. The Defendant suggested that the cracks could have been caused by other factors, such as poor workmanship, weak foundations, or natural wear and tear.

The main issue before the Court was whether the Defendant's negligence directly caused the damage to the Claimant's property. The Court dismissed the claim in its entirety. The Court held that the Claimant had failed to prove, on a balance of probabilities, a direct causal link between the road works and the cracks. The Court found the Defendant's evidence more credible, noting that the vibrations would likely have dissipated before reaching the property. The Court also agreed with the Defendant that other reasons could have caused the cracks. The Court ordered each party to bear their own costs.