

Akim Biliat vs Pallet Kings Personal Injury

Cause Number 933 of 2021

Summary

Court:	High Court of Malawi
Registry:	Civil Division
Bench:	Honourable Justice Allan Hans Muhome
Cause Number:	Personal Injury Cause Number 933 of 2021
Date of Judgment:	July 10, 2025
Bar:	For the Claimant: Mr Luciano Mickeas For the Defendant: Mr Charles Chayekha

The Claimant sought damages for personal injuries, pain and suffering, deformity, and incapacitation following an attack by thieves while working as a security guard for the Defendant. The Claimant alleged that the Defendant was negligent by failing to provide a safe working environment and necessary tools for his job. During cross-examination, the Claimant conceded that he was aware of the inherent risks of being a security guard and that even with a weapon, he would have been unable to defend himself due to the surprise nature of the ambush. The Defendant, through a supervisor, testified that the Claimant had been offered tools but chose to use his own stick.

The Court, after considering the evidence and submissions, held that the burden of proving negligence on a balance of probabilities rested with the Claimant. It relied on the principle that an employer is not liable for injuries sustained from the inherent risks of employment if they have exercised due care. The Court found that the Claimant failed to prove that the Defendant was negligent or that they had not provided a safe working environment. The Court referred to a previous, similar case where a claim by a security guard was dismissed. The Court, therefore, dismissed the claim. Costs were awarded to the Defendant.