

Chikondi Banda v Satemwa Tea Estate Company (Personal Injury 219 of 2016) 2018

MWHC 781

Summary

Court:	High Court of Malawi
Registry:	Civil Division
Bench:	Honourable Justice Nriva
Cause Number:	Personal Injury Case Number 219 of 2016
Date of Judgment:	June 18, 2018
Bar:	Counsel for the Claimant not mentioned Counsel for the Defendant not mentioned

The Defendant applied to the High Court, Principal Registry, for an order setting aside a default judgment that had been dismissed by the Assistant Registrar. Following the dismissal, the Defendant obtained a stay of execution from the Senior Deputy Registrar pending an appeal to a judge in chambers. The issue before the Court was whether the Judge had the inherent jurisdiction to hear an appeal from a registrar's decision.

The Court, after careful consideration, determined that while the Courts (Exercise of Jurisdiction of Registrar) Rules previously allowed for such appeals, these rules were revoked by the Courts (High Court) (Civil Procedure) Rules 2017. The Court found no provision within the new rules that conferred jurisdiction on a judge to hear appeals from a registrar. The Court further clarified that inherent jurisdiction cannot be invoked to assume jurisdiction where none is provided for by law. The appeal was therefore dismissed for want of a statutory or procedural basis. Consequently, the stay order obtained from the Senior Deputy Registrar was also vacated, as it was made in anticipation of the appeal.