

# Khomba v Trustees of South End Eastern African Union of the Seventh Day Adventist

## Summary

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| <b>Court:</b>            | High Court of Malawi                                      |
| <b>Registry:</b>         | Civil Division  |
| <b>Bench:</b>            | Honourable Justice Mkandawire                             |
| <b>Cause Number:</b>     | Civil Cause Number: 835/1990 ([1994] MLR 172 (HC))        |
| <b>Date of Judgment:</b> | May 27, 1994  |
| <b>Bar:</b>              | Kapanda for the Plaintiff<br>Mwafulirwa for the Defendant |

The Plaintiff brought the action against the Defendants, claiming damages for personal injuries sustained and for loss and damages allegedly caused by the Defendant's negligence during and after a tooth extraction. The Plaintiff, having a wisdom tooth growing inwards, underwent an extraction by the Defendant's dentist, Dr Lacom. Following the procedure, the Plaintiff experienced swelling and pain, leading to a locked jaw. He was eventually admitted to the hospital, where he was operated on by a specialist from South Africa. The Plaintiff contended that the Defendant was negligent in their post-extraction treatment

and care, arguing that their actions led to his complications. The Defendant denied liability, asserting that the dentist's actions were in line with accepted professional standards.

The Court was called upon to determine whether the Defendant's dentist was negligent in his treatment of the Plaintiff. The Court's decision hinged on the professional standard of care required in medical and dental practice. In dismissing the action with costs, the Court reasoned that a professional is not negligent if their actions are in accordance with a practice accepted as proper by a reasonable body of their peers as it was in the case herein.