

Urban Mkandawire vs Isaac Nihaka and Others

Summary

Court:	Supreme Court Of Appeal
Bench:	The Honourable Justice L.P Chikopa SC JA
Cause Number:	Miscellaneous Civil Application No. 56 of 2023 (Being High Court of Malawi, Principal Registry, Miscellaneous Civil Cause Number 12 Of 2022)
Date of Judgment:	August 18, 2025
Bar:	The Applicant, Unrepresented. Kajawo, Counsel for the Respondents

The Applicant approached the Supreme Court of Appeal by way of a motion to set aside a ruling delivered by Honourable Muhome J. on 14 May 2025. The dispute originated in the subordinate courts, where the Applicant, having sued the Respondents for K768,500.00, was successful and the principal sum was paid. The Applicant, however, remained dissatisfied because the trial court had not awarded him interest on the sum owing. He subsequently attempted to obtain this interest through various applications in the High Court and the Supreme Court of Appeal, arguing incorrectly that the trial court had, in fact, awarded the interest and the High Court merely needed to enforce it. The High Court, before Honourable Muhome J., reviewed the lower court record and found

that the Applicant was never awarded interest; his claim for it was dismissed.

The Applicant brought a motion to the Supreme Court of Appeal to set aside Justice Muhome J.'s ruling on grounds of serious procedural irregularities, denial of the appellant's right to be heard and the court's failure to enforce a ruling. The Court, having dealt with the Applicant, dismissed the motion with costs. The Court held that the motion was without merit, ill-advised and procedurally incompetent. The decisive rationale was that if the Applicant was dissatisfied with the High Court decision of Honourable Muhome J., the proper procedure was to appeal to the Supreme Court of Appeal and not to bring a motion asking the Court to set aside the decision. The Court advised the Applicant, whom it noted was a serial litigant wasting valuable judicial resources, to decide exactly what relief he was seeking and to allow the courts to use their resources for other litigants. The Court consequently ordered that, going forward, the Applicant must appear before the Registrar of the court below within 28 days to determine what business he has and agree on how best to dispose of his case with due regard to time, procedure, and cost. The Court further ordered that the Applicant would thereafter only be allowed to come to the Supreme Court of Appeal in the context of an appeal.