

IN THE INDUSTRIAL RELATIONS COURT OF MALAWI

PRINCIPAL REGISTRY

MATTER NO. IRC 212 OF 2005

BETWEEN

MASAMBA.....APPLICANT

-and-

SECURICOR (MW) LTD.....RESPONDENT

CORAM: R. Zibelu Banda, Chairperson
Makalani; representing respondent
Masamba (Mrs); representing the Applicant
Nyabanga; Official Interpreter

RULING

Survival of action-Effect of death on certain causes of action-Employment-Dismissal-Applicant deceased after commencement of action-Cause of action subsisting for benefit of his estate- Section 10(1) Statute Law Miscellaneous (Provisions) Act.

The matter was coming for a pre-hearing conference. It was established at this hearing that the applicant passed away. The court found that the matter could not proceed to full trial because continuation of action will depend on the representative securing and adducing letters of administration to act on behalf of the deceased estate, section 10(1) Statute Law (Miscellaneous Provisions) Act.

May I advise the Applicant's representative, Mrs Masamba to visit Legal Aid Department with this ruling for assistance in obtaining letters of administration. The matter shall proceed upon production of the letters of administration by the Applicant's representative.

Pronounced this 7th day of May 2007 at **BLANTYRE**.

Rachel Zibelu Banda
CHAIRPERSON.