

**IN THE INDUSTRIAL RELATIONS COURT OF MALAWI**

**PRINCIPAL REGISTRY**

**MATTER NO. IRC PR 204 OF 2007**

**BETWEEN**

**SAJENI ..... APPLICANT**

**-and-**

**CEAR ..... RESPONDENT**

**CORAM: R. Zibelu Banda – Chairperson**  
Mumba of Counsel for the Respondent  
Applicant – Absent  
Ngalauka – Official Interpreter

**Mumba:** When the Industrial Relations Court Form 1 was served on the Respondents the responsible officer was away on leave. That was why there was no response to the Statement of Claim. We are seeking a stay of the default judgment. The amount of money involved is a lot.

**Court:** This is not a valid reason for staying the default judgment. There is evidence that the Industrial Relations Court Form 1 – Statement of Claim was served on the Respondents by had on 31<sup>st</sup> May 2007. It was received and stamped by the Human Resources Department on 31<sup>st</sup> May 2007. The default judgment was only issued on 4<sup>th</sup> July 2007 and an application for stay filed on 9<sup>th</sup> July 2007. I am not worried with the reason for failure to put in a notice of intention to defend. This is not even a small respondent. They ought to have known what to do failure with the court document in the form of Statement of Claim. We can vast as a court operate on the needs or at the pace of litigants doing that will render our functions as a court useless as we will be ineffective and we will deny persons an effective exercise of their rights to remedies from courts.

In short the reason for failure to respondent to the Statement of Claim is not valid in law and therefore the application for stay is refusal. Matter to proceed for assessment.

**Pronounced in the Open Court this 11<sup>th</sup> day of July 2007 at BLANTYRE.**

R. Zibelu Banda  
**CHAIRPERSON**