



IN THE HIGH COURT OF MALAWI AT BLANTYRE

CIVIL CAUSE NO. 713 OF 1979

BETWEEN:

LIMANI (U.K.) LIMITED.....PLAINTIFF

- and -

LIMANI LIMITED.....DEFENDANT

Coram: J. J. Skinner, Chief Justice

For the Plaintiff:	Makhalira of Counsel
For the Defendant:	Mhango of Counsel
Official Interpreter:	Kadyakale

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R U L I N G

This is an application for directions by the defendant. The plaintiff did not take out a summons for directions and the defendant has done so. Order 25 (4) of the Rules of the Supreme Court expressly empowers a defendant to do so where there has been default by the plaintiff; and the White book must be read in the light of this express provision.

The provisions of Order 3 of the High Court Rules are different; the Order does not expressly empower a defendant to apply. If the plaintiff defaults then the right of the defendant is that provided for by Order 3, rule 7, namely the right to apply for dismissal of the action. The rule does not allow the defendant to take out a summons for directions: the Court is empowered - on a summons to dismiss - to give directions, but that does not allow the defendant to seek directions by way of summons.

This application is misconceived. I dismiss it. I make no order as to costs because it was the neglect of the plaintiff which originally led to the application.

Made in Chambers this 7th day of March, 1980, at Blantyre.

J. J. SKINNER  
CHIEF JUSTICE

