

IN THE SUPREME COURT OF APPEAL SITTING AT BLANTYRE  
MSCA miscellaneous CIVIL APPEAL NO. 35 OF 2021

[Being Commercial Cause Number 16 of 2020, High Court of Malawi, commercial division, Blantyre]

BETWEEN

GERALD KAZEMBE T/A MADZI DISTRIBUTORS

APPLICANT

AND

SOUTHERN BOTTLERS LTD

1<sup>ST</sup> RESPONDENT

ECOBANK MLW LTD

2<sup>ND</sup> RESPONDENT

CORAM: THE HON. MR JUSTICE L. P. CHIKOPA SC JA  
Maliwa[Mr.] of Counsel for the Applicant  
Mpaka[Mr]/ Sawerengera[Mr.] of Counsel for the 1<sup>st</sup> Respondent  
Kataika [Mr.] of Counsel for the 2<sup>nd</sup> Respondent  
Masiyano[Ms] Court Clerk

RULING/ORDER

Chikopa, JA

By an *ex parte* order dated June 29, 2021 we granted an injunction restraining the second Respondent from *inter alia* disposing of Plot Number 181 situated in Mangochi. The order was granted on condition *inter alia* that the matter of its continued subsistence would come up *inter parties* for determination within 28 days from the above mentioned June 29<sup>th</sup>.

We heard the parties in the above regard on August 19, 2021. After a careful and consideration of the law, the facts and the circumstances obtaining in this case we are of the considered view that the interests of justice weigh more towards a continued subsistence of our order of injunction dated on June 29, 2021.

We so order.

Costs shall be in the cause.

Dated this January 21, 2022 at Blantyre

L P CHIKOPA SC

JUSTICE OF APPEAL

Ruling/Order