



REPUBLIC OF MALAWI
IN THE HIGH COURT OF MALAWI
.....REGISTRY
.....CAUSE NO.....OF 20.....

BETWEEN

.....CLAIMANT

-AND-

.....DEFENDANT

SUMMONS
(SPECIALLY ENDORSED)

To: The Defendant
[name].....of
[address].....

THIS SUMMONS has been issued against you by the above-named claimant in respect of the claim set out on the back.

WE COMMAND YOU within 28 days after the service of this Summons on you, inclusive of the day of service, you must either satisfy the claim or file with this Court a Defence and List of Documents. If you do not intend to contest the proceedings you must within 14 days after service of this Summons on you inclusive of the day of service return the accompanying Response stating therein that you do not intend to contest the proceedings but desire a stay of enforcement of judgment, if any.

TAKE NOTICE that if you fail to satisfy the claim or to file a Defence and list of documents or to return the Response within the time stated, or if you return the Response without stating an intention to contest the proceedings, the claimant may proceed with the claim and judgment may be entered against you without further notice.

WITNESS The Honourable Chief Justice of the High Court of Malawi, this.....day
of.....20.....

.....
REGISTRAR
(Seal of court)

NOTE: This Summons is to be served within 3 calendar months (or, permission is required to effect service out of the jurisdiction, 6 months) beginning with that date unless renewed by order of the Court.

RELIEF

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Dated this.....day of.....20.....

(Signed) :.....
[Claimant/Legal Practitioner for the Claimant]

If, within the time for returning the Response, the defendant pays the amount claimed and K.....for costs and, if the claimant obtains an order for substituted service, the additional sum of K.....further proceedings will be stayed.

The money must be paid to the claimant, his legal practitioner or agent.

THIS SUMMONS was issued by
oflegal practitioner for the said
Claimant whose address for service is

or

THIS SUMMONS was issued by the claimant who resides
at.....and is (state
occupation).....and (if
the claimant does not reside within the jurisdiction) whose address for service
is.....
.....
.....
.....

LIST OF DOCUMENTS

The following is a list of the documents relating to the claim which are or have been in the possession, custody or power of the above-mentioned Claimant and which is served in compliance with Order 5 rule 7 (3) of the Courts (High Court)(Civil Procedure) Rules, 2017.

1. The Claimant has in his possession, custody or power the documents relating to the claim enumerated in Schedule 1.
2. The Claimant objects to produce the documents enumerated in Part 2 of Schedule 1 on the ground that such documents are privileged from disclosure.
3. The Claimant has had, but has not now, in his possession, custody or power the documents relating to the claim enumerated in Schedule 2.
4. Of the documents in the said Schedule 2, those numbered.....in that Schedule were last in the Claimant’s possession, custody or power on..... and the remainder on.....
5. Neither the Claimant, nor his legal practitioner nor any other person on his behalf, has now, or ever had, in his possession, custody or power any documents of any description whatever relating to the claim, other than the documents enumerated in Schedule 1 and 2.

SCHEDULE 1

PART 1

Use black ink and capital letters

[Here enumerate in a convenient order the documents (or bundles of documents, if of the same nature, such as invoices) in the possession, custody or power of the party in question which he does not object to produce, with a short description of each document or bundle sufficient to identify it.]

PART 2

[Here enumerate as aforesaid the documents in the possession, custody or power of the party in question which he objects to produce.]

SCHEDULE 2

[Here enumerate as aforesaid the documents which have been, but at the date of service of the list are not, in the possession, custody or power of the party in question.]

Dated this.....day of.....2018.

NOTICE TO INSPECT

TAKE NOTICE that the documents in the above list, other than those listed in Part 2 of Schedule 1 [and Schedule 2], may be inspected at [the office of the legal practitioner of the above-named [Claimant] [Defendant] (insert address) or as the case may be] on the.....day of.....20.., between the hours of.....and.....

TO: The Defendant [or Claimant] [name] and his legal practitioner.

Served the.....day of.....20... by
.....legal practitioners for the [Claimant] [Defendant].