



REPUBLIC OF MALAWI
IN THE MALAWI SUPREME COURT OF APPEAL
SITTING AT LILONGWE

MSCA CIVIL APPEAL NUMBER 72 OF 2019

(Being High Court, Commercial Division, Lilongwe Registry, Commercial Cause No. 92 of
2018)

BETWEEN

NBS BANK PLC.....APPELLANT

AND

OIL AND PROTEIN COMPANY LIMITED.....RESPONDENT

ORDER

*(Mzikamanda SC CJ, Chikopa SC DCJ, Kapanda SC JA, Potani SC JA, Katsala SC JA,
Mkandawire SC JA, Madise SC JA, Mbvundula SC JA, D. nyaKaunda Kamanga SC JA)*

WE have carefully gone through the matter before us which has several documents. We therefore make the following directions,

1. The preliminary objection is hereby dismissed with costs as it has no merit,
2. Having looked at the appeal, we find that there is merit in it. We therefore set aside the summary judgement of the court below.
3. We order that the matter be remitted to the court below for rehearing before a different judge within 90 days from today.

We put it on record that a fully reasoned order shall be ready in due course.

Costs of the Appeal are for the appellant.

Pronounced in open court at Lilongwe this 11th day of June 2025



ASSISTANT REGISTRAR