



REPUBLIC OF MALAWI
IN THE MALAWI SUPREME COURT OF APPEAL
MISCELLANEOUS CIVIL APPLICATION No. 46 OF 2024
(being High Court of Malawi, Mzuzu District Registry, Civil Cause no. 2 of 2024)

BETWEEN:

TIMOTHY CHIRWA
(suing on his behalf and on behalf of 21 others in
the Litende area, Nkhata-Bay District)

APPLICANT

AND

THE ATTORNEY GENERAL
(Ministry of Agriculture, Irrigation and Water Development)

RESPONDENT

ORDER

(Kamanga, JA, 30th September 2024)

UPON hearing the parties and considering the documents filed by the legal practitioners in support and opposition to the motion for enlargement of time for appeal and the motion for leave to appeal.

THIS COURT FINDS THAT in terms of *NBS Bank Limited v R.J. Hamdani* [2010] MLR 257 (SCA) the applicant has advanced good and substantial reasons for failure to appeal within time and that the intended grounds of appeal *prima facie* show a good cause why the appeal should be heard. Further, the applications have been made without undue delay.

THIS COURT EXERCISES ITS DISCRETION and ORDERS that the motion for leave to appeal against the judgment of the High Court out of time be granted and that the time for so appealing is enlarged by seven days from today. The Court makes no order for costs.

Dated this 30th day of September 2024 at Chichiri, Blantyre.



Dorothy nyaKaunda Kamanga, SC
JUSTICE OF APPEAL

Mr. Timothy Chirwa

: Legal practitioner for the applicant

Mr. Lali Ali Bonomali

: Legal practitioner for the respondent

Mr. Maluwa & Mrs. Mthunzi

: Recording officer/Law clerk.