



REPUBLIC OF MALAWI
IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CIVIL DIVISION
CIVIL CAUSE NO. 81 OF 2025
(Before Honourable Justice Mambulasa)

BETWEEN:

BLANTYRE CITY COUNCIL AND 8 OTHERS.....CLAIMANTS

-AND-

ELLEN KANSAWA

t/a HARVEY'S GARDENS / KAYA LOUNGE.....1ST DEFENDANT

-AND-

EVELYN KANSAWA

t/a HARVEY'S GARDENS / KAYA LOUNGE.....2ND DEFENDANT

CORAM: HON. JUSTICE MR. MANDALA D. MAMBULASA

Ms. Aisha Lourenco, Advocate for the Claimants

Mr. Louis Ulaya, Advocate for the Defendants

Ms. Caroline Machado, Court Clerk/Official Interpreter

RULING

MAMBULASA, J

Introduction

- [1] The claimants approached this court seeking an interlocutory order of injunction to restrain the defendants from hosting social events at Harvey's Gardens / Kaya Lounge located at Mount Pleasant in the city of Blantyre.
- [2] It is alleged that the defendants are hosting social events in contravention of a stop notice that was served on them by the 1st claimant, Blantyre City Council, as it calls itself.¹ The claimants seek the interlocutory order of injunction until a further order of the court or until the determination of the matter.
- [3] The application was taken out under Order 10, rule 27 of the Courts (High Court) (Civil Procedure) Rules. It was supported by sworn statements made by Advocate Mr. Mphatso Matandika, Nusrat Osman and Nazeer Osman.
- [4] The application was opposed by the defendants. The defendants filed six sworn statements in opposition. The sworn statements were made by Sraaj Manyamula, Advocate Ms Elida Chisanga, Ethel Musithe, Agness Kandoje, Ruth Muzivitsi and Peter Paulo.

Issues for Determination

¹ In this court's view, the proper legal name of the 1st claimant or legal entity ought to be: The City Council of Blantyre. This is in accordance with section 5 (2) of the Local Government Act, Cap. 22:01 of the Laws of Malawi.

- [5] There is only one issue to be determined by the court at this stage. It is whether or not the interlocutory order of injunction sought by the claimants should be granted by the court?

The Claimants' Case

- [6] Advocate Mr. Mphatso Matandika made the first sworn statement. He depones that on or about 2nd October, 2023 the 1st claimant received complaints from the 2nd to 9th claimants and other residents of Mount Pleasant in the city of Blantyre that the defendants' events garden/lounge had been making excessive noise around the area especially when hosting social events and ceremonies.
- [7] Following the said complaints, the 1st claimant called for a meeting at Town Hall, Civic Centre to discuss the matter. It was established that the defendants had no authority to be operating the said garden/lounge in the area.
- [8] A resolution was made that the defendants should cease operating their events garden/lounge and remove all structures erected for that purpose. A copy of the attendance register for the meeting was exhibited and marked as, "BCC 1".
- [9] The defendants allegedly neglected the directions of the 1st claimant and proceeded to host more social events which further caused noise to the discomfort of the 2nd to 9th claimants and other surrounding residents.

- [10] Subsequently, the Town Planning Committee of the 1st claimant issued and served a stop notice on the defendants under section 59 (1) of the Physical Planning Act requiring or otherwise ordering the defendants to cease hosting social events at their events garden/lounge within 14 days from the date of service of the notice. A copy of the stop notice was exhibited and marked as, “BCC 2”.
- [11] The defendants also neglected the said notice and continued to play loud music without authority from the 1st claimant. The residents of Mount Pleasant and surroundings have thereby continued to be inconvenienced by the noise so generated.
- [12] By continuing producing noise that affects Mount Pleasant residents, the defendants have defied or neglected the stop notice that was served on them and have thus in terms of section 98 of the Physical Planning Act been committing an offence which, through the said notice, they were warned that they would be prosecuted.
- [13] The defendants are operating the events garden/lounge without a grant of development permission contrary to section 54 of the Physical Planning Act.
- [14] The claimants believe that the only way to stop the defendants is for the court to grant an interlocutory order of injunction restraining them whether by themselves or their agents from operating the said garden/lounge while awaiting the [hearing and] judgment of the court in this matter.

- [15] Thus, the claimants pray that the defendants, their agents or whoever associated with operations of Harvey's Gardens / Kaya Lounge be restrained from operating the same until the determination of this matter or a further order of the court.
- [16] The claimants undertake to compensate the defendants should it subsequently be found that the interlocutory order of injunction that the court may grant, was wrongly granted, and that the defendants have thereby suffered loss and damage.
- [17] The second sworn statement in support of the application for the interlocutory order of injunction was made by Nusrat Osman, a resident of Mount Pleasant, in the city of Blantyre.
- [18] She states that her home is close to where the defendants are allegedly illegally operating their events garden/lounge business.
- [19] Nusrat Osman depones that the defendants have been operating their business for over two years now and during this period, the said garden/lounge has been producing very loud noise causing nuisance to the surroundings especially when hosting social events and ceremonies. The noise continues throughout the night until they cease at around 03:00a.m.
- [20] As a result, her family and her, experience sleep disruption, sleep deprivation, frustration, stress and lost productivity and cannot lead and enjoy a normal life.

- [21] On days when the defendants host social events, the streets of the area get blocked and the residents of Sunnyside have problems accessing their homes. A flash disk that has a footage of motor vehicles parked in the streets during one event hosted by the defendants after they were served with a stop notice was exhibited and marked as, “NO 1”.
- [22] Other surrounding residents of Mount Pleasant also experience similar inconvenience due to excessive noise by the defendants.
- [23] The only way to stop the defendants is for the court to grant an interlocutory order of injunction restraining them whether by themselves or their agents from operating the said garden/lounge while awaiting the judgment of the court in this matter.
- [24] The third sworn statement was made by Nazeer Osman. He depones that he is also a resident of Mount Pleasant and stays close to where the defendants are operating their garden/lounge business.
- [25] Nazeer Osman states that he read the sworn statement of Nusrat Osman in support of this application and confirms that all that has been said is true to the best of his information and knowledge.
- [26] In the circumstances, he prays to this honourable court that an interlocutory order of injunction be granted restraining the defendants whether by themselves or their agents from operating Harvey’s Gardens/ Kaya Lounge or playing loud music at the premises until determination of this matter.

The Defendants' Case

[27] The first sworn statement in opposition was deponed by Sraaj Manyamula.

[28] He states that the 1st defendant is not the owner of the business, Harvey's Garden. The owner of the business is the 2nd defendant. The 1st defendant has wrongly been sued by the claimants. A copy of the certificate of registration was exhibited and marked as, "SM 1".

[29] Sraaj Manyamula states that the meeting that took place at Town Hall, Civic Centre, neither established that the defendants were operating the garden lounge in the area nor was a resolution made that the defendants should cease to operate their events garden/lounge and remove all structures erected for the purpose, because if it were so, the claimants would have produced and exhibited signed minutes of the meeting.

[30] The continued hosting of events was because there was no legal bar, and the events were conducted at reasonable sound incapable of being objectively defined as noise to every reasonable person not harbouring bad motives against a neighbour lawfully exercising the constitutional right to freely engage in economic activity.

[31] The 1st claimant indeed issued and served a stop notice on the defendants under section 59 (1) of the Physical Planning Act.

[32] It is not correct that after being served with the stop notice, the defendants neglected the stop notice and continued to play loud music.

- [33] Instead, the defendants engaged their legal practitioners who objected or appealed against the stop notice. A copy of the objection or appeal was exhibited and marked as, “SM 2”.
- [34] The defendants were informed by their legal practitioners that the 1st claimant did not respond to the objection or appeal and have not done so, to date.
- [35] Since the objection or appeal was sent to the 1st claimant in December 2023 and there was no communication or action from them, the defendants were under the belief that the issue had been closed.
- [36] The defendants were shocked when on 21st July, 2025 the 1st claimant served them with a summons and an application for an interlocutory order of injunction.
- [37] Surprisingly, the 1st claimant who is a public body has also commenced the action in the names of 2nd to 9th claimants who are private citizens with capabilities to sue on their own.
- [38] In fact, the 1st claimant has also commenced the action in the name of the deponent when he does not stay in the residential area and did not give any instructions to sue.
- [39] It is further surprising that most of the residents allegedly aggrieved by the operations of the garden are of Asian origin when none of the closest neighbours of native origin have complained against the operation of the garden.

- [40] Before embarking on the garden business, the 2nd defendant engaged an architect to design the garden. The designs were then submitted to the 1st claimant who then advised that development permissions do not apply to gardens. A copy of the designs which were submitted to the 1st claimant was exhibited and marked as, “SM 3”.
- [41] It is unconscionable for the 1st claimant to now allege that the defendants are operating a garden without development permission when they advised the 2nd defendant that a garden does not require development permission and allowed the 2nd defendant to spend a lot of money to put up the garden. Copies of pictures before and after the garden was put in place were exhibited and marked as, “SM 4”.
- [42] The present action is actuated by bad motives aimed at thwarting the 2nd defendant’s freedom to conduct lawful economic activities everywhere in the country.
- [43] The bad motives of the claimants’ action are further evidenced by the fact that no similar action has been taken against similar gardens located in residential areas as listed in exhibit marked as, “SM 2”.
- [44] There is a bar namely, ‘Way Out’ which is about 200 metres from the defendants’ garden which plays loud live band music from Friday to Sunday between 7:00p.m. and 4:00a.m. but no action has been taken against this bar by the claimants.

- [45] Unlike the above bar which plays loud live band music, the defendants' operations are restricted to weddings, birthdays, engagements which ordinarily take place between 1:30 p.m. and 5:00p.m. and occasionally between 6:00p.m. and 9:00p.m.
- [46] For all events, clients sign a contract which provides for sound control. Further to that, on the day of the event, the DJ, MC and Member of Protocol sign another agreement for sound control.
- [47] Lastly, a sound controller is engaged who sits next to the DJ to ensure that at all times the sound is not excessive and irritating to human ears. Copies of the client's contract, DJ, MC and Protocol Team Noise Pollution Compliance Form and payment for the Sound Controller were exhibited and marked as, "SM 5 (a)", "SM 5 (b)" and "SM 5 (c)" respectively.
- [48] It is therefore not correct or an exaggeration that the garden produces excessive and unpleasant noise. At all times, the sound volume is kept at reasonable levels and under constant check by the sound controller.
- [49] It is incorrect that when we host social events, the streets of the area get blocked and the residents of Sunnyside have problems accessing their homes.
- [50] When hosting every event, the defendants employ five private guards who ensure that cars are well parked on the sides of the road for traffic to go through from one end of the road to the other.

- [51] The guards also ensure that cars do not block entrances of residents. A copy of payment evidence to the private guards who control parking of cars along the road was exhibited and marked as, “SM 6”.
- [52] The second sworn statement in opposition was made by Advocate Ms Elida Chisanga. She depones that she is a legal practitioner in the firm of Messrs MTM Law Chambers in Blantyre.
- [53] She states that she was requested by a senior colleague in the firm working on the present case if she had ever been to Harvey’s Garden and if so, to comment on her experience.
- [54] Advocate Ms Elida Chisanga states that on 7th April, 2024 she attended a bridal shower for her good friend Elita Ndenya at the 2nd defendant’s garden. Even though the event went well, she was not amused with the very low sound from the DJ and MC.
- [55] She later learnt that it was a condition for booking the garden to keep the sound at very low levels.
- [56] As much as the garden is beautiful, she felt the low levels of sound did not hype the mood for the event.
- [57] The third sworn statement in opposition was made by Ethel Musithe who depones that she works for Queen Elizabeth Central Hospital and resides at the hospital’s staff houses situated opposite the 2nd defendant’s garden.

- [58] She states that she has been residing in the area since the year 2021 and that she had been requested by the 2nd defendant to tell the court what she knows about the operations of the garden and issues of excessive noise, late night functions and blocking of residents entrances.
- [59] Her experience is that events are held during weekends. The events are normally weddings and engagement ceremonies and bridal showers. Afternoon events commence around 1:30 p.m. and end by 5:00p.m.
- [60] There have been a few night ceremonies which commence around 6:00p.m. and end around 9:00p.m. At no time have events gone beyond 9:00p.m.
- [61] The sound that comes from the garden when there are events cannot in all honesty be said to be excessive, unreasonable and irritant to a normal human being living in the community.
- [62] She states that there is no single day whilst events were being held at the garden that she felt that the sound coming from the garden is irritating to her ears or disturbing.
- [63] There is nothing excessive about the sound that comes from the garden. She could not say that there was a single day she failed to sleep because of the sound from the garden since the events normally end at 5:00p.m.
- [64] Unlike the garden, there is a bar behind their houses called, 'Way Out' which operates from Friday to Sunday. It operates between 7:00p.m. and 4:00a.m.

during the three days. There is loud live band music that is played from 7:00p.m. and 4:00a.m.

[65] It is the loud live band music that is played throughout the night on all weekends from ‘Way Out’ bar that the residents within the staff houses are complaining about. The music is loud and is played throughout the night such that it disturbs their sleep.

[66] The fourth sworn statement in opposition was made by Agness Kandoje. The fifth sworn statement in opposition was made by Ruth Muzivitsi. The sixth sworn statement in opposition was made by Peter Paulo.

[67] Agness Kandoje, Ruth Muzivitsi and Peter Paulo are all employees of Queen Elizabeth Central Hospital. They all stay in the hospital’s staff houses. The contents of their sworn statements is exactly the same as that of Ethel Musithe. As such, there is no need to reproduce the same content in this ruling.

The Law

[68] The law on the grant or refusal of interlocutory order of injunction is well settled in our context. It has been codified by the Courts (High Court) (Civil Procedure) Rules.

[69] In that regard, Order 10, rule 27 the Courts (High Court) (Civil Procedure) Rules, states as follows:

The Court may, on application, grant an injunction by an interlocutory order when it appears to the Court-

- (a) there is a serious question to be tried;
- (b) damages may not be an adequate remedy; and
- (c) it shall be just to do so,

and the order may be made unconditionally or on such terms or conditions as the Court considers just.

[70] In *Forum for National Development Limited -vs- Richard Msowoya, MP & Anor*² the Court stated that:

This Court is aware of the applicable law on interlocutory injunctions as submitted both by the claimant and the 1st defendant. The court will grant an interlocutory injunction where the claimant discloses a good arguable claim to the right he seeks to protect. This court will not try to determine the issues on sworn statements but it will be enough if the claimant shows that there is a serious question to be tried. See Order 10, rule 27 (a) Courts (High Court) (Civil Procedure) Rules, 2017. The result is that the court is required to investigate the merits to a limited extent only. All that needs to be shown is that the claimant's cause of action has substance and reality. Beyond that, it does not matter if the claimant's chance of winning is 90 per cent or 20 per cent. See Mothercare Ltd v Robson Books Ltd [1979] FSR 466 per Megarry V-C at p. 474; Alfred Dunhill Ltd v. Sunoptic SA [1979] FSR 337 per Megaw LJ at p. 373.

² [2018] MWHC 1104.

If the claimant has shown that he has a good arguable claim and that there is a serious question for trial this Court, then next has to consider the question whether damages would be an adequate remedy on the claimant's claim. See Order 10, rule 27 (b) Courts (High Court) (Civil Procedure) Rules, 2017.

Where damages at common law would be an adequate remedy and defendant would be able to pay them, an interlocutory order of injunction should be refused, irrespective of the strength of the claimant's claim. See Mkwamba v Indefund Ltd [1990] 13 MLR 244.

Where damages are an inadequate remedy the court will consider whether it is just to grant the injunction. See Order 10, rule 27 (c) Courts (High Court) (Civil Procedure) Rules, 2017. This will involve weighing whether the balance of convenience or justice favours the granting of the interim order of injunction. See Kanyuka v Chiumia Civil Cause Number 58 of 2003 (High Court) (unreported); Tembo v Chakuamba MSCA Civil Appeal Number 30 of 2001 both citing the famous American Cyanamid Co. v Ethicon Ltd [1975] 2 WLR 316.

Application of the Law to the Facts

[71] The first issue to be considered is whether there is a serious question to be tried in terms of Order 10, rule 27 (a) of the Courts (High Court) (Civil Procedure) Rules. This element simply requires the Court to be satisfied whether or not the claimant or claimants in this case, have disclosed a reasonable cause of action.

[72] The Court having read the documents filed by the claimants and heard the arguments, it has been able to decipher at least two causes of action.

[73] First, is whether developing and operating an events garden at a residence in a residential area within the city of Blantyre is a development which requires the grant of a separate development permission under the Physical Planning Act, 2016.³

[74] The court recalls that the defendants alleged that they were either advised by the Town Planning Committee or the City Council of Blantyre that an events garden does not require development permission under the Physical Planning Act, 2016.⁴

[75] However, even though at this stage the court is not required to consider sworn statement evidence in depth, this allegation was not proved by the defendants by any exhibit from either the Town Planning Committee or the City Council of Blantyre. Thus, this remains one of the issues that the court will have to determine and pronounce itself on after trial.

[76] Second, is whether the claimants have a cause of action against the defendants for alleged excessive noise pollution or nuisance that emanates from the 2nd defendant's events garden located at Mount Pleasant in the city of Blantyre.

[77] This court has no difficulty to find that the first issue of disclosing a reasonable cause of action has been satisfied by the claimants. The court now moves on to consider the second element.

³ Act No. 17 of 2016.

⁴ *See* Paragraph 40 above.

- [78] The second element is whether damages may not be an adequate remedy to the claimant's claim in terms of Order 10, rule 27 (b) of the Courts (High Court) (Civil Procedure) Rules. To recap, as we have seen, where damages would be an adequate remedy, an interlocutory order of injunction ought not to be granted.
- [79] The court observes that the claimants did not disclose the other persons in the neighborhood that are allegedly affected by the excessive noise that emanates from the 2nd defendant's garden. In any case, those other persons are not parties to this action. The action was also not commenced in a representative capacity. In short, the court will focus on the claimants that are before it.
- [80] In addition, as correctly argued by the defendants, the claimants included the 9th claimant without his consent, who does not stay in their neighborhood and actually works for the 2nd defendant as a manager at the garden. How that happened, the court cannot speculate. It is not only embarrassing; it is also an unethical conduct on the part of the legal practitioners for the 1st claimant to sue on behalf of someone without his instructions. The legal practitioners are warned to desist from such unethical conduct.
- [81] The court also agrees with the argument advanced by the defendants that the 1st claimant cannot claim to be affected by any noise, excessive or otherwise, emanating from the 2nd defendant's events garden. The 1st claimant is not a human being staying in Mount Pleasant in the city of Blantyre.
- [82] When the 1st claimant and the 9th claimant are discounted, then, there are seven claimants that may claim to be affected by the noise emanating from the 2nd

defendant's events garden. The first cause of action by the claimants relating to the grant of development permission or not, falls outside the realm of damages.

[83] The second cause of action relating to noise or noise pollution falls within the realm of damages. This takes the court to the second element, whether damages would not be an adequate remedy to the claimants' claim in terms of the requirements of Order 10, rule 27 (b) of the Courts (High Court) (Civil Procedure) Rules.

[84] In the court's most considered opinion, damages would not be an adequate remedy to the remaining claimants especially because the nuisance in this case is ongoing. In any case, noise or noise pollution as a nuisance cannot really be quantified in monetary terms. Thus, the court agrees with the claimants that noise pollution cannot be compensated in damages. This takes the court to the last element.

[85] The last element to be considered is whether or not, it would be just to grant the interlocutory order of injunction sought by the claimants in the circumstances of this case as required by Order 10, rule 27 (c) of the Courts (High Court) (Civil Procedure) Rules.

[86] In order to deal with the last element fairly, one needs to have a broad understanding of the law on noise or noise pollution. On one hand, noise pollution may be looked at as a tort of nuisance. On the other hand, it is also an environmental issue. Beyond these, it is also a public health issue. In short, noise or noise pollution wears different faces.

[87] Noise or noise pollution as a nuisance is regulated by various Acts of Parliament. The Acts of Parliament include Local Government Act,⁵ Public Health Act⁶ and the Environmental Management Act, 2016.⁷

[88] Section 6 of the Local Government Act provides for the functions of the Council. Subsection 2 thereof is to the effect that in addition to the functions specified in subsection (1), the Council shall also perform the functions stated in the Second Schedule.

[89] Similarly, section 24 (4) of the Local Government Act also provides that the Council shall have further powers and functions as contained in the Second Schedule.

[90] Section 4 of the Second Schedule to the Local Government Act is on the control of nuisances. The relevant parts provide as follows:

Subject to the provisions of the Public Health Act, a Council shall-

- (a) **secure the prevention and abatement of nuisances;**
- (b) ...
- (c) **control or prohibit**, singing, dancing, the playing of musical instruments, fetes, exhibitions, public amusements or entertainments circuses and games **and the making of any noise whatsoever likely to disturb any person;** and

⁵ Cap. 22:01 of the Laws of Malawi.

⁶ Cap. 34:01 of the Laws of Malawi.

⁷ Act No. 19 of 2017.

[91] Section 62 (23) of the Public Health Act provides as follows:

Any act, omission, or thing which is or may be offensive, dangerous to life or injurious to health shall be deemed to be nuisance liable to be dealt with in the manner provided in this Part.

[92] In *The State –vs- Blantyre City Council, ex parte Chikwiri & six others*⁸ the High Court stated that:

This Court takes a different view from that taken by the applicants and agrees with the respondent on a reading of section 62 (23) of the Public Health Act. This section does not require that the act, omission, or thing constituting a nuisance be offensive and dangerous to life or injurious to health. This section requires the act, omission or thing constituting a nuisance to be either offensive or dangerous to life or injurious to health. In that sense noise can reach a level, where it is offensive, that it can constitute a nuisance under section 62 (23) of the Public Health Act.

[93] Clearly, the 1st claimant has been given statutory powers to secure the prevention and abatement of nuisances and also control or prohibit the making of any noise whatsoever likely to disturb any person. In addition, the claimants have a right to a clean and healthy environment and have the duty to safeguard and enhance the environment.⁹

⁸ Miscellaneous Civil Application No. 27 of 2015 (High Court of Malawi) (Principal Registry) (Unreported).

⁹ See section 4 of the Environmental Management Act, 2016.

- [94] Section 63 (1) of the Environmental Management Act is to the effect that a person shall not emit noise in excess of the noise emission standards established in accordance with this Act or any other written law.
- [95] Subsection 3 is to the effect that any person who contravenes this section commits an offence and shall be liable, on conviction, to a fine of five hundred thousand kwacha (K500,000) and to imprisonment for twelve (12) months.
- [96] The question is: would it be just to grant the claimants the interlocutory order of injunction sought? In relation to the 1st claimant, granting the order would bolster the statutory powers that it already has to prevent and abate nuisances or indeed control or prohibit the making of any noise that disturbs any person.¹⁰ This the 1st claimant tried to do through the stop notice.
- [97] In relation to the other claimants herein, granting the order sought, would also enable them to live at peace in their homes and in harmony with the environment as they are part and parcel of the ecosystem.
- [98] On the other hand, if the said order is not granted, the 1st claimant would be rendered powerless to enforce the statutory powers that it was given by

¹⁰ George Mahamba, *Environmental Law Handbook: The Malawi Perspective* (2022) Montfort Media Ltd notes on page 66 as follows:

In recent years, noise has been recognised not only as an annoyance but as a serious health hazard as well. Prolonged or excessive exposure to noise can result in aggression, cardiovascular problems, communication disruption, despondency, disorientation, headaches, hearing loss or impairment, increased accidents, increased blood pressure, nervousness, poor attentiveness or memory, sleep disruption, stress and tension.

Parliament to deal with noise or noise pollution as a form of nuisance under various Acts of Parliament as we have seen.

[99] If the said order is not granted, it would mean that the defendants would continue to be making excessive or loud noise to the annoyance or discomfort of the claimants and in violation of the law. In the interim, the claimants would be left without an effective remedy.

[100] It does not matter that the excessive or loud noise is made on weekends. It also does not matter that it is made at defined times. It is enough that the noise is offensive to the claimants even though it might not be so to the witnesses of the defendants.

[101] In addition, the court also watched the video footages that really showed that in spite of the efforts and mechanisms that the defendants have put in place, the neighbours are inconvenienced to enter their gates due to so many motor vehicles that are parked on both sides of the street whenever the 2nd defendant is hosting social events at the garden.

[102] Not granting the interlocutory order of injunction sought by the claimants would also mean that the court would indirectly be aiding and abetting the commission of a criminal offence or violation of the law by the 2nd defendant under various statutes as we have seen. A court of law should never do that as its core responsibility is to protect and enforce all laws.¹¹

¹¹ See section 9 of the Constitution.

[103] In view of the foregoing, the court finds that the balance of justice in this case lies in favour of granting the interlocutory order of injunction sought by the claimants and the court proceeds to do so.

[104] Accordingly, the 2nd defendant is hereby restrained from hosting social events at Harvey's Gardens / Kaya Lounge located at Mount Pleasant in the city of Blantyre until the hearing and determination of the within proceedings.

[105] However, taking cognizant of the fact that the 2nd defendant may already have bookings, this order will take effect from 1st December, 2025. This will allow those that may already have booked the venue between now and 30th November, 2025 not to be disturbed.

[106] Any persons that may have booked the venue from 1st December, 2025 onwards will have fairly adequate notice to book alternative venues for their social events in the interim.

[107] Costs are awarded in the discretion of the court. The court orders that each party shall bear its own costs.

[108] Made in chambers this 22nd day of October, 2025 at Blantyre, Malawi.


M. D. MAMBULASA
JUDGE