

**IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CIVIL CAUSE NO 114 OF 2001**

BETWEEN:

F W LIHOMA PLAINTIFF

AND

THE ATTORNEY GENERAL DEFENDANT

CORAM: POTANI, REGISTRAR

Msiska, Counsel for the Plaintiff

RULING

This is an assessment of damages pursuant to a default judgment in favour of the plaintiff. Despite being served with the notice of the assessment, the defendants never showed up for hearing.

The plaintiff's action arises from the forfeiture and subsequent sale of his house the dependants while he was in exile. That was in 1972. Upon returning from exile, the plaintiff engaged Griffin Baloyi, PW2, a Chartered Surveyor and registered value of his house and rentals it could have generated from the time of the forfeiture to the March, 2001, when the judgment herein was entered. According to Mr Balayi, he valued the house at K350,000.00 and with respect to lost rentals, his assessment came to K153,591.00. He tendered his valuation and assessment report are exhibit P. Mr. Baloyi further testified that for his services, he issued an invoice, to the plaintiff for the sum of K60,432.00 which he tendered as exhibit P2.

It was the evidence of both the plaintiff and Mr Baloyi that for the rentals, they were subject to 20 percent with holding tax. This therefore means that out of the K153,591.00 gross rentals, the plaintiff would have been entitled to net rentals of K122,872.80. The award of damages the plaintiff is entitled to therefore comes K533,304.80.

Costs of this action are for the plaintiff.

Made in chambers this day of February 10, 2003, at BLANTYRE.

H S B Potani
REGISTRAR