

**MARTIN MIZEKA CHAGOMA**

Associate

Litigation



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savjaniandco@africa-online.net**BACKGROUND**

Martin Chagoma joined Savjani & Co in January, 2011. He handles litigation matters and provides legal advice to corporate clients in various areas of law including insurance, labour and/or employment, torts, criminal, contract, administrative, land/property and commercial matters

MEMBERSHIP IN PROFESSIONAL SOCIETIES

- Malawi Law Society

PROFESSIONAL QUALIFICATIONS

2009 - Bachelor of Laws (Honours), University of Malawi, Chancellor College

2004 - Bachelor of Arts (Humanities), University of Malawi, chancellor College

CAREER SUMMARY

January 2011–TO DATE Associate, Savjani & Co

JAN – DEC 2010 Senior Legal Aid Advocate, Ministry of Justice, Legal Aid Department,
Blantyre –

AREAS OF EXPERTISE

- All litigation - related work in civil and criminal matters.

TOP MATTERS BEING CONDUCTED BY MR CHAGOMA

- We are acting in defence of Monsanto Malawi Limited of the Monsanto Group in an employment matter on instruction of Monsanto (South Africa) (Pty) Limited through Messrs Webber Wentzel of South Africa. The action is founded on a statutory tort of unfair dismissal. It was commenced in the Industrial Relations Court, Lilongwe, by an ex- employee following his dismissal for, among other reasons, breach of Anti-Trust Laws and Monsanto's Human Rights Policy.

Case: Matter No. IRC 4 of 2013 - Misheck Nyirenda v Monsanto Malawi Limited.

- We are defending Transport Equipment Manufacturers Limited (TEM), an authorised and specialised dealer of MAN and VW Trucks, buses and Dropside semi- trailers. The action was commenced in the High Court of Malawi, General Division, Blantyre, and is based on alleged detainee and/or conversation of the Plaintiff's MAN Truck and Trailer by TEM. The Plaintiff is claiming damages in excess of K127,000,000.00, the equivalent of US\$273,118.28.

Case: Civil Cause No. 475 of 2012 - Charles Fungula t/a GanizaniTransport v Transport Equipment Manufacturers Limited.

- We defend General Alliance Insurance Limited (GA) in an action in the High Court of Malawi, Lilongwe District Registry. The action is founded on alleged breach of insurance contract where the Plaintiff claims indemnity of sum insured under comprehensive insurance cover and consequential loss. GA's defence borders on late notification of the accident which is breach of a pre-condition to the claim in line with a term of the relevant insurance policy.

Case: Civil Cause No. 729 of 2012 - DalitsoChimjeka v General Alliance Insurance Limited and City State International

- We successfully represented GOAL Malawi Limited in the High Court of Malawi (Commercial Division), Blantyre in an action where the Plaintiff was claiming, *inter alia*, damages for breach of construction contract, retention sum due and payable in excess of K10,000,000.00 and value of materials left at the project site. We obtained an order of stay of proceedings and referred the matter to arbitration in line with the terms of the Agreement.

The arbitrator made an award in favour of the Plaintiff. We instantly took out a notice of originating summons for an order to set aside the award on grounds that the arbitrator had misconducted herself and the arbitration proceedings by deciding on issues which were never on the Statement of issues in dispute as agreed by the parties. The High Court set aside the arbitration award with costs to our client.

Case: Commercial cause No. 123 of 2010 - Wilson Nyirenda t/aNkhalamu Building t/a Nkhalamu Building Contractors v Goal Malawi Limited

- We represent Eastern Produce (Malawi) Limited (EPL) in the High Court of Malawi, Zomba District Registry, in an action by its employee in alleged negligence of EPL's servants leading to employee's injury at work. i.e. Makwasa Tea Estate belonging to EPL. The Employee's claim under Workers' Compensation Act was thwarted and resorted to bringing a common law action in negligence. EPL pleads that the employee was not acting in the course of his employment when he got injured such that EPL did not owe him any duty of care and thus could not have foreseen the injury.

Case: Civil Cause No. 127 of 2011 - John Mulewa v Eastern Produce (Malawi) Limited

- We act for Tropha Estates and General Alliance Insurance Limited (GA) in property damage claim in the High Court of Malawi, Mzuzu District Registry, in alleged negligence of the driver of GA's insured leading damage to the Plaintiff's motor vehicle. The Plaintiff claims for costs of repairs in excess of K5,000,000.00 and consequential loss.

Case: Civil Cause No. 125 of 2012 - The Registered Trustees of Quadria Muslim Association of Malawi v Tropha Estates and General Alliance Insurance Limited.

- We defend Southern Bottlers (Malawi) Limited (SOBO) in the High Court of Malawi, Principal Registry, Blantyre, in a product liability claim. The Plaintiff alleges that he consumed the contents of a coca-cola bottle contaminated with sand bits, dead ants and debris. Sobo denies liability *in toto* and pleads that the contents were not contaminated in the manufacturing process.

Case: Civil Cause No. 1451 of 2010 - FatchJomali v Southern Bottlers Malawi Limited