

IN THE COURT OF APPEAL OF ZAMBIA

HOLDEN AT NDOLA ON 26TH AUGUST, 2020 AT 09:00 HOURS

APPELLATE (JURISDICTION)

- 1) The Hon. Mrs. Justice F.M Chisanga, Judge President
- 2) The Hon. Mr. Justice C.F.R Mchenga, Deputy Judge President
- 3) The Hon. Mr. Justice J Chashi
- 4) The Hon. Mr. Justice M.M. Kondolo
- 5) The Hon. Mrs. Justice C.K Makungu
- 6) The Hon. Mrs. Justice F.M. Chishimba
- 7) The Hon. Mrs. Justice J.Z. Mulongoti
- 8) The Hon. Mr. Justice D.L.Y Sichinga
- 9) The Hon. Madam Justice F.M. Lengalenga
- 10) The Hon. Madam. Justice B.M. Majula
- 11) The Hon. Mrs. Justice P.C.M. Ngulube
- 12) The Hon. Mr. Justice M.J. Siavwapa



CIVIL CAUSE LIST

NEW CIVIL APPEALS BEFORE JUDGES TO BE NAMED LATER

GENERAL APPEALS

1. **APPEAL NO. 015/2019**
Leasing Finance Company Limited - Appellant

And

Wade Adams Piling and Foundation - 1st Respondent
Zambia Limited

- | | | | |
|----|---|---|----------------------------|
| | Mazembe Tractor Company Limited | - | 2 nd Respondent |
| | Mwila John Mulenga | - | 3 rd Respondent |
| | Margret K Kombe | - | 4 th Respondent |
| 2. | APPEAL NO. 071/2019 | | |
| | C.R Holdings Limited | - | Appellant |
| | And | | |
| | Mary Musonda | - | Respondent |
| 3. | APPEAL NO. 139/2019 | | |
| | Falcon Restaurant and Nite Club Ltd | - | 1 st Appellant |
| | Ashani Pathirage | - | 2 nd Appellant |
| | And | | |
| | Seth Paraza | - | Respondent |
| 4. | APPEAL NO. 140/2019 | | |
| | Mutemwa Mutemwa, SC | - | 1 st Appellant |
| | Judith Lungowe Aongola | - | 2 nd Appellant |
| | Mwashekabo Mutemwa | - | 3 rd Appellant |
| | Mwangala Mutemwa | - | 4 th Appellant |
| | Inonge Mutemwa | - | 5 th Appellant |
| | And | | |
| | New Future Financial Company Limited | - | 1 st Respondent |
| | China Hua Shun Zambia Investments Limited | - | 2 nd Respondent |
| 5. | APPEAL NO. 144/2019 | | |
| | Vincent Hingandu | - | 1 st Appellant |
| | Mazhandu Family Bus Services Limited | - | 2 nd Appellant |
| | Phoenix of Zambia Assurance Company | - | 3 rd Appellant |
| | And | | |
| | Lynda Mataka | - | 1 st Respondent |

Fantasy Munkasu - 2nd Respondent
Luyando Munkasu - 3rd Respondent

ADJOURNED MATTERS FOR HEARING

6. **APPEAL NO. 96/2019**

Phillip Musonda - Appellant
And
Lawrence Chungu - 1st Respondent
Attorney General - 2nd Respondent
Zambia Forestry and Forest Industries
Corporation Limited - 3rd Respondent

Before: **MMK, CKM, MJS**

7. **APPEAL NO. 34/2019**

Nelly Mulenga - 1st Appellant
Wellington Musupila - 2nd Appellant

And

Boniface Chilambwe - 1st Respondent
Eva Kabwe Fundafunda - 2nd Respondent
Irene B. Fundafunda - 3rd Respondent
George Chisha Fundafunda - 4th Respondent
Kennth Kapiya Fundafunda - 5th Respondent

Before: **MMK, CKM, MJS**

Cleopatra Lungu
CLERK OF SESSION

LAWYERS

Appeal 015/2019

Messrs Alfred Roberts & Company
SDA of Stand 4657 suez road - Lusaka
Email: alfredroberts100@yahoo.com

Messrs C. Chonta Advocates (As caretakers of Messrs Nganga Yalenga & Associates)

Appeal 071/2019

Messrs Shamwana and Company, Plot No. 8101 Cedar Road, Woodlands - Lusaka
Email: info@shamwana.co.za
Telephone: 232335/36 - Facsimile: 232338

Messrs Batoka Chambers, 5th Floor, Zimco House, Chainda place Cairo Road - Lusaka

Appeal 139/2019

Messrs Noel Simwanza Legal Practitioners, Boma Street - Kitwe
Email: noel.legal@zamtel.zm

Messrs Michael Masengu & Company, Leanor House Parklands Shopping centre - Kitwe
Email: Michaelmasengu&co.@gmail.com

Appeal 140/2019

Messrs Mutemwa Chambers
Email: mutemwachambers@iconnect.zm
1st Floor Kambendekela House Deban Kimathi Road - Lusaka

Alberto Ngoyi Advocates
Stand No. 18983A
Off Parliament Lane, Olympia Park - Lusaka

Appeal 144/2019

Messrs Chipanzhya & Company, House No. 5 Nsunzu Road, Civic Centre Area.

Email: chipanzhyaco@gmail.com

Messrs. Wilson & Conhill

5th Floor, Premium House Independence Avenue Musaka

Email: cornhill@hilcorncom.za

Theotis Mataka & Sampa Legal Practitioners, Apartment 7 Plot 13, Reedbuck Road, Kabulonga - Lusaka

Email: info@tms.com.zm

Appeal No. 96/2019

In Person 0962 336430, 0954 866142

Zaffico In House

Appeal No. 34/2019

Messrs Mesdames Kabalata Legal Practitioners - Lusaka

Messrs Simez Sangwa and Associates - Lusaka

IN THE COURT OF APPEAL OF ZAMBIA

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- 3) The Hon. Mr. Justice J Chashi
- 4) The Hon. Mr. Justice M.M. Kondolo
- 5) The Hon. Mrs. Justice C.K Makungu
- 6) The Hon. Mrs. Justice F.M. Chishimba
- 7) The Hon. Mrs. Justice J.Z. Mulongoti
- 8) The Hon. Mr. Justice D.L.Y Sichinga
- 9) The Hon. Madam Justice F.M. Lengalenga
- 10) The Hon. Madam. Justice B.M. Majula
- 11) The Hon. Mrs. Justice P.C.M. Ngulube
- 12) The Hon. Mr. Justice M.J. Siavwapa



CIVIL CAUSE LIST

NEW CIVIL APPEALS BEFORE JUDGES TO BE NAMED LATER

GENERAL APPEALS

1. **APPEAL NO. 132/2019**
Kabine Kasongo Sidime - Appellant
And
Djana Sidime - 1st Respondent

- | | | | |
|----|---|---|----------------------------|
| | Rammy Mohammed Kasongo Sidime | - | 2 nd Respondent |
| | Rama Investment Ltd | - | 3 rd Respondent |
| | William Nyirenda and Company | - | 4 th Respondent |
| 2. | APPEAL NO. 136/2019 | | |
| | The David Livingstone Safari Lodge Spa Ltd- | | Appellant |
| | And | | |
| | The Attorney General | - | 1 st Respondent |
| | The Livingstone City Council | - | 2 nd Respondent |
| 3. | APPEAL NO. 146/2019 | | |
| | Kashimoto Conservancy Limited | - | Appellant |
| | And | | |
| | Darrell Alexander Watt | - | Respondent |
| 4. | APPEAL NO. 148/2019 | | |
| | African Banking Corporation Limited | - | Appellant |
| | And | | |
| | Bernard Fungamwango | - | Respondent |
| 5. | APPEAL NO. 149/2019 | | |
| | Martin Luzu Sikanyika | - | Appellant |
| | And | | |
| | Joyce Nkandu Chishala Sikanyika | - | Respondent |
| 6. | APPEAL NO. 152/2019 | | |
| | Zambia Sugar Plc | - | Appellant |
| | And | | |
| | Lumuno Mukwali | - | Respondent |

ADJOURNED MATTER FOR HEARING

7. **APPEAL NO. 114/2019**

Knox Magugu Mbazima

And

Tobacco Association of Zambia

Before: **CKM, DLYS, PCMN**

Cleopatra Lungu

CLERK OF SESSION

LAWYERS

Appeal 132/2019

Messrs Ituna Partners
14th Floor Indeco House Cairo Road

Messrs G.M Legal Practitioners
Stand No. D2 Choma Avenue, Parkland - Kitwe

William Nyirenda & Company
Lyness House, Freedom Avenue
Email: williamnyirenda.co.zm

Agents - Messrs Buta Gondwe & Associates, Stand No. 5322 Duma Close
Kabwata Burma Residential
Email: butag@zamtel.zm

Advocates for the Respondents 1st - 4th
William Nyirenda & Company
Units 4 - 6 office park
793 Lyness House, Freedom Avenue, Kitwe
Email: williamnyirenda.co.zm

3rd Respondent

Mr Chimuka Magubbwi
C/O Messrs Magubbwi and Associates
22 Kabelenga Avenue, Ndola

4th Respondent

Messrs Noel Simwanza Legal Practitioner
1st floor Insurance Building Suite, City Square, Kitwe
Email: noel.simwanza@yahoo.com

1st Respondent

Messrs Nyirongo & Company
No. 21 Kalungwishi Street Nkana East, Kitwe
Email: nyirongoandco@yahoo.com

Appeal 136/2019

Messrs Chibesakunda & Company
Stand 2374 Kelvin Siwale Road - Lusaka
Attorney General's Chambers Lusaka
The Livingstone City Council

Appeal 146/2019

Musa Dudhla Rhodes Park Plot 1394, Mushemi Road
info@musadudhia.co.zm
Tutwa S. Ngulube & Company, Plot 10426, Manda Hill Road - Lusaka
Email: aristutwa@yahoo.co.uk

Appeal 148/2019

Messrs Nchito & Nchito, 5th Floor, Godfrey House, Longolongo Road - Lusaka
Email: info@nchito.co.zm
Messrs SLM Legal Practitioners Rhodes Park - Lusaka,
Matandani close off, Lubuto Road
Email: marcusn@law-advocates.com

Appeal 149/2019

Messrs E.M Mukuka & Company
Plot No. 71, Holdsworth Building, Freedom Way - Kabwe
Email: eddwardmulengamukuka@gmail.com
National Legal Aid Clinic for Women, Plot 115, Musonda Ngosa Road, Villa
Elizabeth - Lusaka

Appeal 152/2019

Messrs Tembo, Ngulube & Associates, Plot 34, Manda Hill Road - Lusaka
Email: tembongulube@iconnect.zm
Lumano Mukwali, House No. F254, East Villa - Mazabuka - In person

Appeal 114/2019

In – Person
Messrs Mweshi Banda and Associates

IN THE COURT OF APPEAL OF ZAMBIA

HOLDEN AT NDOLA ON 25TH AUGUST, 2020 AT 09:00 HOURS

APPELLATE (JURISDICTION)

- 1) The Hon. Mrs. Justice F.M Chisanga, Judge President
- 2) The Hon. Mr. Justice C.F.R Mchenga, Deputy Judge President
- 3) The Hon. Mr. Justice J Chashi
- 4) The Hon. Mr. Justice M.M. Kondolo
- 5) The Hon. Mrs. Justice C.K Makungu
- 6) The Hon. Mrs. Justice F.M. Chishimba
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- 9) The Hon. Madam Justice F.M. Lengalenga
- 10) The Hon. Madam. Justice B.M. Majula
- 11) The Hon. Mrs. Justice P.C.M. Ngulube
- 12) The Hon. Mr. Justice M.J. Siavwapa



CIVIL CAUSE LIST

NEW CIVIL APPEALS BEFORE JUDGES TO BE NAMED LATER

GENERAL APPEALS

1. **APPEAL NO. 040/2019**

Theodoulos Constantinou

- 1st Appellant

Maroulla Ioanna Constantinou

- 2nd Appellant

And

- | | | |
|----|--|--|
| 2. | Father Phillip Lungu
APPEAL NO. 137/2019
Sanat Limited

And

Shaileshkumar Suryakant Amin | - Respondent

- Appellant

- Respondent |
| 3. | APPEAL NO. 138/2019
Safricas Zambia Ltd
Besa Mfula

And

Kapandwe Kansansa Development
Company Limited |
- 1 st Appellant
- 2 nd Appellant

- Respondent |
| 4. | APPEAL NO. 141/2019
Guardall Security Group Limited

And

Ackim Munalula
Abel Lyomboko |
- Appellant

- 1 st Respondent
- 2 nd Respondent |
| 5. | APPEAL NO. 142/2019
Cynthia Kunda
Yvonne Kunda

And

Loreta Kunda |
- 1 st Appellant
- 2 nd Appellant

- Respondent |
| 6. | APPEAL NO. 143/2019
Vincent N Moola

And

Mukanyemba Moola
Muyunda Lyuumbo |
- Appellant

- 1 st Respondent
- 2 nd Respondent |

ADJOURNED MATTERS FOR HEARING

7. **APPEAL NO.176, 181/2019**

Vendata Resource Holdings	-	Appellant
And		
ZCCM Investments Ltd	-	1 st Respondent
Konkola Copper Mines	-	2 nd Respondent

Before: **JP, DLYS, PCMN**

LAWYERS

Appeal 40/2019

Messrs Mando & Pasi Advocates Suite 6, 1st Floor Selby Taylor Business Park,
Roan Road Kabulonga - Lusaka

Email: mando@pasiadvocates.com

0977 717130

Messrs Iven Mulenga & Company

Plot No. 70004, House No. 16, Mosi-o-Tunya Road

Email: info@ivenmulengaandco.com

Appeal 137/2019

Musa Dudhia & Company

info@musadudhia.co.zm

2nd Floor ALN House Plot 1394, Mushemi Road - Lusaka

Messrs Tembo, Ngulube & Associates

Email: tembongulube@zamtel.zm

Plot No. 34 Manda Hill Road

Appeal 138/2019

Mesdames Mweshi Banda & Associates

info@mbalegalpractitioners.com

Alick Nkhata Road Mass Media

Simeza Sangwa & Advocates

Email: info@simezasangwa.com

Bwinjimfumu Road, Rhodes Park - Lusaka

Appeal 141/2019

Guardall Security Group Limited, Plot 730 & 731, Chachacha Road - Lusaka

Email: legal@guardall.co.zm

Ackim Munalula, Malota compound F90, Livingstone

Abel Lyomboko Mwenya Compound, House No. C141, Livingstone

Appeal 142/2019

Messrs SLM Legal Practitioners

Email: marcusn@law-advocates.com.lsk

Messrs Wright Chambers

Plot No. 1274/3, Lubuto Road Rhodes Park - Lusaka

Appeal 143/2019

Messrs SLM Legal Practitioners

Email: marcusn@law-advocates.com.lsk

4 Matandani close off Lubuto Road, Rhodes Park - Lusaka

Mukanyembo Moola - In person

Salama Park Avondale - Lusaka

Miyanda Lyumbo - In person Lumwana Mines – Solwezi

Appeal No. 176,181/2019

Messrs Shamwana and Company - Lusaka

Messrs Coorpus Legal Practitioners -Lusaka

Messrs Ellis and Co -Lusaka

Messrs DH Kemp - Lusaka

Messrs Andrew Musukwa and Company – Lusaka

Messrs Makebi Zulu Advocates –Lusaka

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- 6) The Hon. Mrs. Justice F.M. Chishimba
- 7) The Hon. Mrs. Justice J.Z. Mulongoti
- 8) The Hon. Mr. Justice D.L.Y Sichinga
- 9) The Hon. Madam Justice F.M. Lengalenga
- 10) The Hon. Madam. Justice B.M. Majula
- 11) The Hon. Mrs. Justice P.C.M. Ngulube
- 12) The Hon. Mr. Justice M.J. Siavwapa



CIVIL CAUSE LIST

NEW CIVIL APPEALS BEFORE JUDGES TO BE NAMED LATER

GENERAL APPEALS

1. **APPEAL NO. 125/2019**
Access Bank Zambia - Appellant
And
Zcon Construction Company Limited - Respondent

2. **APPEAL NO. 134/2019**
 Kalunga Chansa - Appellant
 And
 Evelyn Hone College of Applied Arts & Commerce Management Board - Respondent
3. **APPEAL NO. 135/2019**
 John Kalota - 1st Appellant
 Chovu Chovu Brothers Retail and Wholesale Ltd - 2nd Appellant
 And
 Shire Motors Limited - 1st Respondent
 Grace Lumano - 2nd Respondent
 Frazer Lumano - 3rd Respondent
4. **APPEAL NO. 145/2019**
 Burden Mfungwe - 1st Appellant
 Yota International Limited - 2nd Appellant
 And
 Moshen Zabad Haider - 1st Respondent
 Irfan Suleman Narbhandu - 2nd Respondent

Cleopatra Lungu
CLERK OF SESSION

LAWYERS

Appeal 125/2019

Theotis Mataka & Sampa Legal Practitioner No.13 Reedbuck Road Kabulonga
Email: info@tms.com.zm

Messrs Lewis Nathan Advocates
Nathan Park 758 Independence Avenue Woodlands - Lusaka

Appeal 134/2019

Messrs A. Mbambara Legal Practitioner,
6th Floor, Suite 600, Premium House Independence Avenue

Messrs Besa Legal Practitioners,
Plot No. 30105 off Manchinch Road, Olympia Park - Lusaka

Messrs JMC & Associates
4th Floor, Compensation House Cairo Road - Lusaka

Appeal 135/2019

Messrs Tembo, Ngulube & Associates, Plot No. 34 Manda Hill Road
Email: tembongulube@zamtel.zm

Messrs Robson Malipenga & Company, Plot No. 110, Suite 4, Musonda Ngosa
Email: robsonmalipenga@yahoo.com
Road Villa Elizabeth - Lusaka

Messrs J.B Sakala & Company, Bambo House Buteko Avenue - Ndola
Email: jbsakala@zamtel.zm

Appeal 145/2019

Malambo & Company ALick Nkhata Road, Lusaka
Email: info@malamboand.com

Messrs Linus E. Eyaa Partners, Plot No. 7450, Katopola Road off Addis Ababa,
Rhodes Park - Lusaka
Email: linuseyaa60@gmail.com

Messrs SLM Legal Practitioners, No. 04 Matandani Close off Lubuto Road
Rhodes Park (0968 468268)
Email: marcusn@law-advocates.com