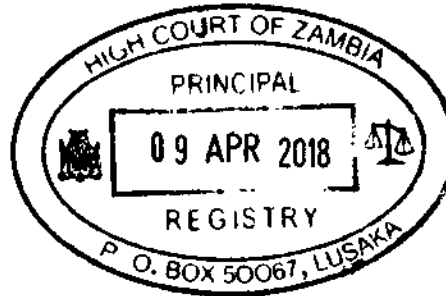


**IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA**
(Civil Jurisdiction)

2017/HP/1674



BETWEEN:

CHRISTOPHER MUTEMWA
AND

PLAINTIFF

SINO PROPERTY DEVELOPMENT LTD
ATTORNEY GENERAL

1ST DEFENDANT

2ND DEFENDANT

CORAM: HONOURABLE JUSTICE MR. MWILA CHITABO, SC

For the Plaintiff: N/A

For the Defendants: N/A

R U L I N G

There is an application for entry of Judgment against the 1st Defendant and the Attorney General. I decline application.

Firstly, there is no compliance with the requirements to file notice for entry of Judgment against Attorney General.

Secondly, there is no proof of good service on the Attorney General as required by the State Proceedings Act.

Thirdly, the deponent of the affidavit of service has not disclosed who he is and in what capacity he purportedly effected service on the defendants.

Fourthly, in respect of the 1st defendant which is a limited company, there is no proof that the service was duly served on the registered office of the company or on the 1st defendants Advocates as required by law.

Entry of Judgment in default of appearance is therefore declined.

In any event, even if the services had been duly done, I was still going to decline grant of the Judgment in default of appearance on the ground that this is not a fit and proper case to grant Judgment summarily. I would still require the plaintiff to present and prove his case.

The Court takes judicial notice of the many claims involving disputes in land. In my view such disputes can only be resolved at trial.

The matter is to come up on 24th April, 2018 at 09:15 hours.

Delivered under my hand and seal this 9th day of April, 2018

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a horizontal line.

Mwila Chitabo, SC

Judge