

**HOLDEN AT NDOLA**

(Civil Jurisdiction)

BETWEEN:

**KELVIN KIPIMPI**

**APPELLANT**

AND

**TIME TRUCKING LIMITED**

**RESPONDENT**

**CORAM: KONDOLO SC, CHISHIMBA, NGULUBE, JJA**

**On 27<sup>th</sup> July, 2021 and 5<sup>th</sup> August, 2021**

*For the Appellant* : *In Person*

*For the Respondent* : *Mr. L. Mwamba and Mr. K. Kawana of Messrs  
Simeza Sangwa & Associates*

---

## **J U D G M E N T**

---

**KONDOLO SC, JA** delivered the Judgment of the Court.


When this matter first came up for hearing, we were informed by Counsel for the Respondent that this appeal against Wanjelani J's Ruling of 16<sup>th</sup> July, 2018 had been overtaken by events. This was because she had on 15<sup>th</sup> October, 2020 delivered a Ruling reviewing the ruling being appealed against. The said Ruling was not before court and

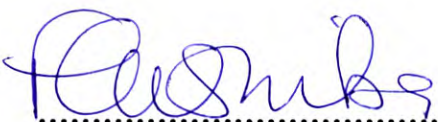
neither was the Appellant. We therefore adjourned the matter to enable us consider the implications of the Ruling on Review dated 15<sup>th</sup> October, 2020.


Both Parties were present when the Court next sat and the Ruling had since been availed to us. We asked the Appellant if he had anything to say and he embarked on submitting *viva voce* on the merits of his appeal without addressing the implications of the Ruling on Review. We indulged him because he was a layman appearing in person.

We agree with Counsel for the Respondent that the Appeal has indeed been overtaken by events and proceeding to hear it would be an academic exercise because to all intents and purposes, as things now stand, the ruling appealed against has been replaced by the Ruling on Review.

This appeal is dismissed and each party shall bear their own costs.

  
.....  
**M. M. KONDOLO**  
**COURT OF APPEAL JUDGE**

  
.....  
**F. M. CHISHIMBA**  
**COURT OF APPEAL JUDGE**

  
.....  
**P.C.M. NGULUBE**  
**COURT OF APPEAL JUDGE**