

**IN THE COURT OF APPEAL FOR ZAMBIA
HOLDEN AT NDOLA**

**Application No. 65 of 2024
CAZ/08/298/2024**

(Civil Jurisdiction)

BETWEEN:



THE DIRECTOR OF PUBLIC PROSECUTIONS

APPLICANT

AND

ESTHER NYAWA TEMBO LUNGU

RESPONDENT

Coram: Mchenga DJP, Muzenga and Patel, JJA

On 12th August 2024

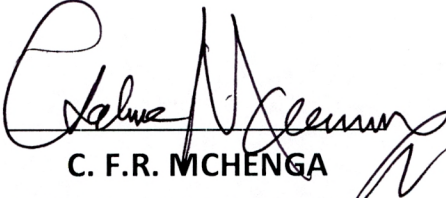
For the Applicant: Mrs. A. Kennedy-Mwanza Principal State Advocate
Messrs. National Prosecutions Authority

For the Respondent: Mr. J. zimba
Messrs. Makebi Zulu & Advocates and
Ms. Adams
Messrs. D. Findlay & Associates

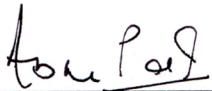
Ex Tempore RULING

Mchenga, DJP, delivered the Ruling of the Court.

- 1.1 Having heard from the Parties, and having fully considered the Motion before us, we are of the considered view that the confusion that was caused by the service of an *ex parte* Summons can best be addressed by setting aside the Ruling of the Single Judge of this Court which we hereby do.
- 1.2 In the interest of justice, we order that the Respondent to the main application do file its opposition to the application within 7 days of the date of this Order.
- 1.3 The Applicant shall file its Reply, if any, within 4 days thereof.
- 1.4 The Court shall issue a notice of hearing of the application in due course.
- 1.5 Costs will be in the cause.


C. F. R. MCHENGA
DEPUTY JUDGE PRESIDENT


K. MUZENGA
COURT OF APPEAL JUDGE


A.N. PATEL S.C.
COURT OF APPEAL JUDGE