

**IN THE COURT OF APPEAL OF ZAMBIA**

**CAZ/08/80/2024**

**HOLDEN AT LUSAKA**

**Appeal No. 95/2024**

*(Civil Jurisdiction)*

**SP/89/2024**

**31 DEC 2025**

**B E T W E E N:**

**LAMASAT INTERNATIONAL LIMITED**

**APPLICANT**

**AND**

**AFRICAN BANKING CORPORATION ZAMBIA  
LIMITED T/A ATLAS MARA ZAMBIA  
(Formally Known as Finance Bank Limited)**

**RESPONDENT**

**CORAM: Honourable Mr. Justice Justin Chashi in Chambers**

**ON: 31<sup>st</sup> December 2025**

*For the Applicant: A. Wright and D. Musheya, Messrs Wright Chambers*

*For the Respondent: M.L Nkonde (Ms), Messrs Mweshi Banda &  
Associates Legal Practitioners*

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## **R U L I N G**

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### **Cases referred to**

- 1. *Mabenga v Post Newspapers Ltd - SCZ Appeal No. 69 of 2012***
- 2. *The Attorney General v Rajan Mahtani - SCZ Appeal No. 4 of 2020***

### **Legislation Referred to:**

- 1. *The Judicial Code of Conduct Act, No. 13 of 1999***

**Rules referred to:**

- 1. The Court of Appeal Rules, Statutory Instruments No. 65 of 2016**

On 4<sup>th</sup> September 2025, the Applicant filed an application by summons for my recusal as presiding Judge in this matter. The application was made pursuant to Order 7/1 (1) and (2) of **The Court of Appeal Rules 2016** and the courts inherit jurisdiction.

The grounds put forward by the Applicant were as follows:

- (i) That a formal complaint had been lodged against the Honourable Mr Justice J. Chashi with the Judicial Complaints Commission (JCC) regarding his conduct in this case;**
- (ii) That the complaint is still pending and under investigation by JCC;**
- (iii) That due to the internal procedure of JCC, the complaint is confidential and the specific details of the complaint cannot be disclosed;**
- (iv) That in the circumstances, it would be inappropriate and not in the interest of justice for Hon. Mr Justice**

*J. Chashi to continue presiding over these proceedings;*

*(v) That the Applicant respectfully requests that the court issues an Order for the recusal of Hon. Mr Justice J. Chashi, from further proceedings in this case in the interest of justice.*

The summons was accompanied by an affidavit deposed to by Jonathan Andy Wright, the Legal Practitioner representing the Applicant and Skeleton arguments. According to Mr. Wright, considering the said complaint, there is reasonable concern that the Honourable Judge may not remain impartial in the current and upcoming application. That it is in the interest of justice, judicial impartiality and public confidence that the Judge should recuse himself.

According to the Applicant, the facts of this case are similar to those in the case of **Mabenga v Post Newspapers Ltd**<sup>1</sup>. That in the **Mabenga** case, the Supreme Court considered the issue as one related to perception of potential bias and held unanimously that:

- (i) That the Judge should have recused herself from the proceedings because there was a likelihood that she would be biased;***
- (ii) The learned Judge should not have handled a matter in which the lawyer appearing before her was prosecuting the Judge in a different matter.***

The application was opposed by the Respondent who filed an affidavit in opposition and skeleton arguments. The affidavit was deposed to by Musenge Leah Nkonde, Counsel seized with conduct of the matter on behalf of the Respondent. According to the Respondent, although the complaint before JCC is confidential, the Applicant is required to disclose the basis of the recusal application to enable the Respondent assess its merits.

That the Applicant has not provided sufficient evidence demonstrating how, if at all the impartiality of Chashi, JA has been compromised, warranting his recusal.

Further according to the Respondent, in the absence of having had sight of the substance of the complaint, any dissatisfaction the Applicant may have had arising from the Judge's conduct of the

matter should have been escalated to the full bench of the Court and not launching a complaint at JCC.

According to the Respondent, it will be prejudiced if the application is granted as the only task the Judge is remaining with is to determine the Applicant's pending application for leave to appeal and to amend the affidavit. That the re-allocation of the matter will derail and delay the progress of the matter.

The Respondent cited the recent case of **The Attorney General v Rajan Mahtani**<sup>2</sup>, on recusal and submitted that it is not enough for the Applicant to merely rely on the complaint lodged at JCC. The Applicant is legally mandated to furnish evidence proving how the Judge has flouted Sections 4 and 6 of the **Judicial Code of Conduct Act**<sup>1</sup>. That the Applicant must adduce evidence that will not leave the Respondent or indeed the Court guessing about what or when the conduct appealed against was made.

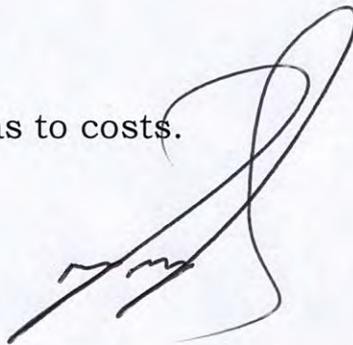
I have considered the affidavit evidence and the arguments by the parties. Unfortunately, as ably noted by the Respondent, the Applicant hiding under confidentiality has deliberately not disclosed the allegation against myself contained in the complaint. It must be

noted that allegations before JCC are of a serious nature and in most cases have *dire* consequences and therefore the need on the part of the Applicant to disclose the allegation being made and the relief being sought.

It is worthy noting that at the time of writing this Ruling, JCC had not written to me. It is therefore not fair to ask this Court to recuse itself in vain. I would have been inclined to refuse this application. However, after deep reflection and consultation with the Judge President of the Court of Appeal, we agreed that I administratively recuse myself from this case as I do not understand what the Applicant hopes to achieve from the complaint and my recusal.

Therefore, I administratively recuse myself. The parties must note that my recusal is administrative and not for reasons advanced by the Applicant.

I shall make no Orders as to costs.

A handwritten signature in black ink, consisting of a large, stylized loop and several smaller strokes below it.

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**J. CHASHI**  
**COURT OF APPEAL JUDGE**