

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



2025/HP/0824

**IN THE MATTER OF: ARTICLE 1 OF THE CONSTITUTION OF ZAMBIA
(AMENDMENT ACT NO.2 OF 2016)**

**IN THE MATTER OF: ARTICLE 16 OF THE CONSTITUTION OF ZAMBIA
(AMMENDMENT ACT NO.2 OF 2016)**

**IN THE MATTER OF: ARTICLE 28 OF THE CONSTITUTION OF ZAMBIA
(AMMENDMENT ACT NO.2 OF 2016)**

**IN THE MATTER OF: ARTICLE 135 OF THE CONSTITUTION OF ZAMBIA
(AMENDMENT ACT NO.2 OF 2016)**

IN THE MATTER OF: SEIZURE NOTICE DATED 30TH MARCH, 2023

AND

**IN THE MATTER OF: THE PROTECTION OF FUNDAMENTAL RIGHTS
REGULATIONS, 1969**

BETWEEN:

**VENS CONSULTANCY AND GENRAL TRADING LIMITED PETITIONER
T/A MARCE SUPPLIERS AND GENERAL DEALERS**

AND

ANTI CORRUPTION COMMISSION 1ST RESPONDENT

THE ATTONERY GENERAL DEALERS 2ND RESPONDENT

ZSIC GENERAL INSURANCE LIMITED 3RD RESPONDENT

Before the Honourable Lady Justice S. Chocho in chambers, the 2nd day of September 2025.

For the Petitioner: Mr. M C Hamachila of Messers M C Hamachila Legal Legal Practitioners.

For the 1st Respondent: Mrs. N K Sendeme-Chizhyuka (In-house Counsel).

For the 2nd Respondent: Ms. A Chisenda (State Advocate) of Messers Attorney Generals Chambers.

For the 3rd Respondent: Ms. M T Musonda (In-house Counsel).

EX-TEMPORE RULING

Cases referred to:

- 1. *Savenda Management Systems v Anti-Corruption Commission 2024/HPEF/015.***
- 2. *Ronald Kakoma Chototela v Anti-Corruption Commission and 3 Others 2022/HPEF/02.***
- 3. *Ronald Kaoma Chitotela v Anti-Corruption Commission and 3 Others SCZ/8/1/2025.***
- 4. *Chikuta v Chipata Rural Council (1974) ZR 241.***
- 5. *Aristogerasimos Vangelatos and Another v Metro Investment Limited Appeal No. 45 of 2014.***
- 6. *JCN Holdings v Development Bank of Zambia (2013) 3 ZR 299.***
- 7. *Lloyd Chembo v the Attorney General CCZ Selected Judgment No. 15 of 2018.***

8. Antonio Ventriglia & Another v Finsbury Investments Limited
Appeal No. 2 of 2019.

Legislation referred to:

- 1. Order 2 Rule 2 of the Rules of the Supreme Court of England (White Book) 1999 Edition.**
- 2. Order 33 Rule 7 of the Rules of the Supreme Court of England (White Book) 1999 Edition.**

1.1. This Ruling is in respect of an application by the 1st Respondent for determination of questions of law made pursuant to **Order 2 Rule 2** and **Order 33 Rule 7 of the Rules of the Supreme Court of England (White Book) 1999 Edition.**

1.2. The following are the issues for determination:

- 1) Whether the Petitioner in this matter has locus standi to commence this matter and whether the mode of commencement is correct; and
- 2) Whether this Court has the jurisdiction to hear this matter considering that this matter seeks to challenge a warrant of seizure issued by the Subordinate Court at Lusaka in light of the decision of **Savenda Management Systems v Anti-Corruption Commission 2024/HPEF/015¹** and **Ronald Kakoma Chototela v Anti-Corruption Commission and 3 Others 2022/HPEF/02².**

1.3. I have addressed my mind to and considered the submissions and authorities cited by the Parties. The cases are as follows:

- **Savenda Management Systems v Anti-Corruption Commission 2024/HPEF/015¹;**
- **Ronald Kakoma Chototela v Anti-Corruption Commission and 3 Others 2022/HPEF/02²;**
- **Ronald Kaoma Chitotela v Anti-Corruption Commission and 3 Others SCZ/8/1/2025³;**
- **Chikuta v Chipata Rural Council (1974) ZR 241⁴;**
- **Aristogerasimos Vangelatos and Another v Metro Investment Limited Appeal No. 45 of 2014⁵; and**
- **JCN Holdings v Development Bank of Zambia (2013) 3 ZR 299⁶.**

1.4. I shall first address my mind to the second issue as it touches on the issue of jurisdiction determination on which has a bearing on the other issue. The Supreme Court stated in the case of **Ronald Kaoma Chitotela v Anti-Corruption Commission and 3 Others SCZ/8/1/2025³** regarding the issue of jurisdiction stated as follows:

“We shall thus deal with that issue first, for jurisdiction is everything. Without it nothing comes out of any proceedings. Jurisdiction is indeed a threshold issue and

the lifeline for continuing any proceedings before a court”.

- 1.5. The 1st Respondent contends that the issues raised by the Petitioner all arise from a Warrant of Seizure dated March 30th, 2023 and that a warrant of seizure is a Court Order which remains in force until the issuing Court cancels or alters it.
- 1.6. It is the submission of the 1st Respondent that despite the High Court possessing unlimited jurisdiction, the jurisdiction is not limitless.
- 1.7. I have taken note of the Petitioner’s argument as relates to the Supreme Court decision in the case of **Ronald Kaoma Chitotela v Anti-Corruption Commission and 3 Others SCZ/8/1/2025**³. The Applicant’s argument is misplaced as the **Chitotela**³ case quashed the High Court decision as relates to the transfer of the matter from the High Court General Division to the Economic and Financial Crimes Court Division. I am of the considered view that the holding that a Court cannot determine a matter actively before another legally constituted Court is still good law; the position which is also reflected in the case of **Savenda Management Systems v Anti-Corruption Commission 2024/HPEF/015**¹.
- 1.8. In the **Savenda** case, my brothers and sister guided as follows:

“It is trite that a Warrant of Seizure is a Court document which has force of law. Since it is a Court document, it

remains in force until it is set aside, cancelled or altered as may be deemed fit by the issuing Court. This is so no matter how the Court Order was obtained”.

1.9. The Constitutional Court In the case of **Lloyd Chembo v the Attorney General CCZ Selected Judgment No. 15 of 2018**⁷ gave its position on how the Courts operate in relation to matters before another Court. The Court held as follows:

"There is comity between Courts. This court worked hard in hand with other Courts so that matters between it and other Courts are heard and determined in an orderly manner."

1.10. I am of the view that this Court does not have the jurisdiction to entertain the Petitioner's application as there is still a warrant of seizure in force issued by the Subordinate Court and the Petitioner ought to have made the application to discharge/vary the warrant of seizure before the issuing Court. The Petitioner's first course of action regardless of the nature of the claims in this matter is to deal with the warrant of seizure which was granted and is valid before another Court. Even an application to move question of constitutionality of the Warrant in question must be commenced before the issuing Court.

1.11. Further, the Petitioner's claims emanate from the warrant of seizure and for so long as the warrant of seizure is still in effect, this Court

cannot hear and determine issues arising from the said warrant of seizure.

- 1.12. In light of the above, I am of the firm view that the relief sought by the Petitioners is ultra vires the jurisdiction of this Court and without jurisdiction, this Court cannot proceed to hear and determine any issues under this action; the Supreme Court in the case of **Antonio Ventriglia & Another v Finsbury Investments Limited Appeal No. 2 of 2019⁸** rightly guided that out of nothing, comes nothing.
- 1.13. Having found as above, I shall not proceed to determine the first issue as the same becomes otiose.
- 1.14. I **HEREBY DISMISS** the Petitioner's action for want of jurisdiction.
- 1.15. Costs to the Respondents to be taxed in default of agreement.
- 1.16. Leave to appeal is granted.

Delivered at Lusaka on the 2nd day of September, 2025.



S. CHOCHO

HIGH COURT JUDGE

