

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

**2022/HP/1906**

**BETWEEN:**

**RZ & MCM ENTERPRISE LIMITED**

**AND**

**DOMINIC NED MUSONDA**



**PLAINTIFF**

**DEFENDANT**

**Before the Honourable Ms. Justice S. Chocho, in Chambers.**

*For the Plaintiff: Mr. J. Zulu of Messrs Japhet Zulu Advocates*

*For the Defendant: Mr. A. Chileshe of Messrs Kasama Chambers*

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## **EX-TEMPORE R U L I N G**

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UPON Reading the Affidavits in Support and Opposition, Skeleton Arguments filed herein. UPON Hearing both Counsel for the Plaintiff and Defendant, it is my considered view that in fact the matter/questions in the action before me are similar to the action on matter before the Court of Appeal.

The Property is the same and the Plaintiff seeks to obtain change of title from the Defendant. This is the same issue that the Court of Appeal has been asked to consider and rule upon – Execution of the 2010 Judgment that granted the Plaintiff the same remedies asked for under this cause.

**R2**

The Subordinate Court is mandated to consider and try the question of fraud in the criminal matter, where the Parties are the same abeit witness and Accused person.

I hereby find that this action is an abuse of Court process and there by Dismiss the same with costs to the Defendant to be taxed in default of agreement.

**Delivered at Lusaka on 31<sup>st</sup> January, 2024.**



**S. CHOCHO  
HIGH COURT JUDGE**

