

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

2023/HP/0250

BETWEEN:

JESSY KAONGA

AND

BRIAN KAPOLOMBWE



PLAINTIFF

DEFENDANT

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

For the Plaintiff: Mr. S. C Mwanashinku Messrs M&M Advocates

For the Defendant: Mr. T. Chikonde Messrs Fred Jere & Company

EX-TEMPORE R U L I N G

UPON hearing both Counsel for the Plaintiff and Defendant and UPON Reading the Parties Affidavits in Support, Opposition and Reply, with attendant Skeleton Arguments filed herein.

It is clear to me that in light of the Authorities on the grant/denial of injunctive relief, that the Plaintiff stands to lose and suffer irreparable damage.

Land in and of itself holds special and particular value and it is clear from the record that the full purchase price was paid.

There is indeed a serious question to be tried in this matter. I have considered and cast my mind to the authority in **SHELL AND BP ZAMBIA LIMITED V CANIDARIS (1975) ZR** and the celebrated case of **AMERICAN CYNMID COMPANY**.

IT IS HEREBY ORDERED that the Injunctive relief sought by the Plaintiff is granted. I further order that neither parties nor their agents are to deal with / develop the land until full determination of this matter or further Order of the Court.

For the avoidance of doubt it is Ordered that the Defendant, his agents or any persons on the said land are not to deal, construct, develop or sale the land.

Delivered at Lusaka on 31st January, 2024.



**S. CHOCHO
HIGH COURT JUDGE**

