IT

IN THE HIGH COURT FOR ZAMBIA **2011/HP/0576**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

Between:

MARY ZULU *(in her capacity as administrator of the MULENGA KABWELA PETER)* **1ST PLAINTIFF**

MUKULA MAKASA *(in his capacity as administrator of the late MULENGA KABWELA PETER)* **2ND PLAINTIFF**

AND

ATTORNEY GENERAL **DEFENDANT**

BEFORE HON. MRS. JUSTICE G.C. CHAWATAMA
ON 16TH JULY, 2024 - IN CHAMBERS

For the Plaintiff : *Mr. L.C. Ngona – PM Kamanga & Associates*
For the 1st Defendant: *Mr. M. Mwangala – State Advocate (Officer Cadet Mumbi) – Attorney General's Chambers*

RULING

CASES REFERRED TO:

1. *Stanley Mwambazi v Morester Farm Limited (1977 ZR 108 (SC)*
2. *Kingfarm Products Limited, Mwanamuto Investments Limited V Dipti Rani Sen (Executrix and Administratrix of the Estate of Ajit Barab Sen) (2008) ZR 72 Vol 2 (S.C)*
3. *Standard Chartered Bank (Z) PLC V John M.C. Banda Appeal No. 94/2015*
4. *Chimanga Changa Limited V Stephen Chipango Ngambe 2010 ZLR 5(SCZ)*
5. *Zambia Revenue Authorities V Jayesh Shah SCZ Judgment No. 10/2001*
6. *Allan V Sir Alfred McAlphine and Sons Limited (1968) ALL ER 543*
7. *Nahar Investments Limited V Grindlays Bank International Zambia Limited (1984) 81 (SC)*
8. *Access Bank Limited V Group Fire/Zcon Business SCZ 852 of 2014 (2016) ZMSC at page 24 to 33*
9. *Finance Bank of Zambia Limited V Dimitrios Monokandilos, Filandriaia Kouri (2012) Vol ZR 484*
10. *Ratuam v Cumarasaury and Another (1964) 3 ALL ER 916*
11. *De Nkhuwa v Lusaka Tyre Services Limited 1977 ZR 43*
12. *Dipak Kumar Patel and Yakub Patel V David Kangwa Nkonde selected Ruling No. 33 of 2017*

AUTHORITIES REFERRED TO:

1. *Order XXXIX Rule 1 and 2 & Order 35 rule 3 of the High Court Rules*
2. *Order 3 Rule 5 (12) of the Rules of the Supreme Court 1999, Vol 1 (White Book)*
3. *Halsbury's Law of England Vol 37 4th Edition, 2006 at paragraph 448*

The plaintiff's claim is for K191,023,000 being the price of toner cartridges office stationeries, stencils sold and delivered to the defendant between 2000 up to 2001.

After passing through several Judges the matter was re-allocated to me on the 11th August, 2023.

The application before me follows the filing of summons for special leave of court to review order dated 28th February, 2022 pursuant to Orders III Rule 2 and Order XXXIX Rule 1 and 2 and Order XXXV Rule 5 Chapter 27 of the Laws of Zambia.

Filed was an affidavit in support of summons for special leave of court to review the order dated 28th February, 2022. The 2nd plaintiff Mukula Makasa deposed as follows:

1. *That on 16th June, 2011, this action was commenced by the plaintiff Peter K. Mulenga for payment of monies owed for stationeries supplied to the defendant.*
2. *That the plaintiff's bundle of documents and pleadings were filed on 17th November, 2011 and on the same date applied to set down matter for trial.*
3. *That in September, 2013 the matter came up for hearing before Hon. Justice M.M. Kondolo, SC the plaintiff was heard and closed its case and had been waiting for the Attorney General to bring its witnesses since then. Now produced and shown to me marked* ***"MM 1"*** *is copy of affidavit showing the same.*

4. *That in November 2018 the plaintiff applied to substitute parties following the Death of the late Mulenga Kabwela Peter and the order was eventually granted in 2021. Now produced and shown to me marked* ***"MM 2"*** *is a copy of Order showing the same.*
5. *That on 20th August, 2021 the matter was set for hearing but the Hon. Judge with conduct of the matter was not available and his Advocates promptly notified the defendant. Now produced and shown to me marked* ***"MM 3"*** *is the copy of a letter sent to the defendant Advocates.*
6. *That he was advised by his Advocates and believes the same to be true that on 10th December, 2021 his Advocates appeared before the Honourable court and the court advised it would get back to parties enquire on whether the matter could be concluded by the Honourable Judge who dealt with the matter before re-allocation and we have been waiting for this communication from court. Now produced and shown to me marked* ***"MM 4"*** *are copies of letters to the court Marshal and the defendant.*
7. *That to his surprise his Advocates received a letter on 11th April, 2022 from defendants Advocates with an Order from court indicating the matter was dismissed. Now produced and shown to me marked* ***"MM 5"*** *is a copy of the court Order.*
8. *That upon receiving the order of court in May, 2022 from his Advocates he had to arrange and meet his co-administrator who has been unwell in Ndola hence the delay on their part in bringing this application.*

9. *That he was informed by his Advocates and believe the same to be true that no new notice of hearing was issued since last attendance in December, 2021 and the Order has come as a surprise to us.*
10. *That upon receiving the Order of court in May, 2022 from his Advocates he had to arrange and meet any co-administrator who has been unwell in Ndola hence the delay on our part in bringing this application.*
11. *That he believes their right to be heard is in the interest of justice as the plaintiff's witnesses were heard and the matter reached an advanced stage.*
12. *That the defendant will not suffer any material prejudice as they have been waiting for them to bring witnesses to court and their documents which they have not done.*

The Order of 28th February, 2022 was that after hearing Counsel for the defendant and upon establishing that the plaintiff has failed to prosecute the matter the matter be dismissed for want of prosecution and this was done.

Exhibited was a number of documents and a list of Authorities and skeleton arguments in support of the application.

On the discretion of the court to allow an application for review the court was referred to the case of ***Stanley Mwambazi v Morester Farm Limited (1977 ZR 108 (SC)***[1] where despite one of the parties having had

difficulties in strictly adhering to the rules of the court, the court stated inter alia that:

> ***"It is the practice in dealing with bonafide interlocutory applications for courts to allow triable issues to come to trial despite the default of the parties...it is not in the interest of justice to deny him the right to have his case heard."***

I was referred to ***Order XXXIX Rule 1 and 2 of the High Court Rules*** which provides that:

1. *Any Judge may, upon such grounds as he shall consider sufficient, review any judgment or decision given by him (except where either party shall have obtained leave to appeal and such appeal is not withdrawn) and upon such review, it shall be lawful for him to open and rehear the case wholly or in part, and to take fresh evidence and to reverse vary or confirm his previous judgment or decision:*

   Provided that where the Judge who was seized of the matter has since died or ceased to have jurisdiction for any reason, another Judge may review the matter."
2. *Any application by any party for review of any judgment or decision shall be made not later than fourteen days after judgment or decision. After the expiration of fourteen days, an application for review shall not be admitted except by special leave of the court and on such terms as to the court seem just."*

The court was referred to the case of ***Kingfarm Products Limited, Mwanamuto Investments Limited V Dipti Rani Sen (Executrix and Administratrix of the Estate of Ajit Barab Sen) (2008) ZR 72 Vol 2 (S.C)***[2] held as follows:

"Order 39 rule 1 of the High Court Rules empowers a Judge to review his own decision, receive, to either vary or confirm his earlier Judgment..."

That although the application by the plaintiffs is made out of the time limit of 30 days the plaintiff was never issued with a notice of hearing for a new date of hearing for trial. That the defendants added to the delay in this application being made.

For further guidance I was referred to the Supreme Court decision on matters to do with failure to observe mandatory procedure rules. This was in the case of ***Standard Chartered Bank (Z) PLC V John M.C. Banda Appeal No. 94/2015***[3] where the court observed that:

"We think that rules of Court should indeed serve a definite purpose and we are not to apply them using a rigid approach without regard whatsoever to the consequences of any delayed rectification of their breach. In case of breach of rules that do not result in any real or serious prejudice or negative consequences to any party, the Court does surely retain the discretion always as to what order would be best meet the justice of the situation."

On whether the plaintiff was properly served with a notice of hearing for trial I was referred to ***Order 35 rule 3 of the High Court Rules*** which provides that:

If the plaintiff appears and the defendant does not appear or sufficiently excuse his absence or neglects to answer when duly called, the Court may, upon proof of service of notice of trial proceed to hear the cause and give judgment on the evidence adduced by the plaintiff, or may postpone the hearing of the cause and direct notice of such postponement to be given to the defendant.

I was referred to the case of ***Chimanga Changa Limited V Stephen Chipango Ngambe 2010 ZLR 5(SCZ)***[4] where it was held that:

> ***"There is no doubt that rules of Court do require that parties to a dispute must be served with any Court process including a notice of hearing so that they can react to the process. The rationale behind this requirement is the common law principle of natural justice."***

That from exhibit **"MM 4"** the plaintiff was waiting for the court to give direction in the matter. That it is clear the plaintiff or their Advocates were not served with a notice of hearing for trial.

That the court should exercise its discretion to allow the plaintiffs be heard and have the matter concluded so that natural justice prevails. That this rule is anchored in ***Zambia Revenue Authorities V Jayesh Shah SCZ Judgment No. 10/2001***[5] where it was held that:

> ***"Cases should be decided on their substance and merit where there has been only a very technical omission or oversight not affecting the validity of process."***

The plaintiff prayed that the court view the matter and allow the case to be concluded.

On the 16th February, 2023 the defendants filed an affidavit in opposition. Mwila Chansa Counsel seized with conduct of this matter deposed as follows:

1. *That following the plaintiff's application to substitute the plaintiff with legal representation this matter had been inactive for a period of two years owing to laxity on the part of the plaintiff. There is now marked and shown to me* ***"MC1"*** *being copies of the affidavit to substitute and summon for substitution of the plaintiff with two legal representatives.*
2. *That, this matter was scheduled for hearing on 20th August, 2021 at which hearing the plaintiffs were not in attendance. There is now marked and produced* ***"MC2"*** *being a copy of a Notice of hearing.*
3. *That further the court following the hearing on 10th December, scheduled this matter for determination on 11th February, 2022 to which there was none appearance once again by the plaintiffs which necessitated the defendants to apply to this Honourable Court for dismissal for want of prosecution. There is now marked and produced* ***"MC 3"*** *a copy of the said Notice of Hearing.*
4. *That owing to none appearance and laxity on the part of the plaintiff, the defendant applied to this court to dismiss the matter for want of prosecution.*
5. *That on 9th March, 2022 this court granted the defendant's application for an order to dismiss the matter for want of prosecution. There is now marked and produced* ***"MC 4"*** *being a copy.*
6. *That the defendant served the plaintiffs with the said order on 11th April, 2022 which order was duly acknowledged. There is*

now marked and produced ***"MC 5"*** *being a copy of the letter of service acknowledged by the plaintiffs.*

7. *That the plaintiff disregarded the timelines and rules set by this Honourable Court and only filed into court an application for review on 6th June, 2022. There is now marked and produced* ***"MC 6"*** *being a copy of the plaintiff's summons for special leave of court to review.*
8. *In light of the foregoing, the defendant opposed the plaintiff's application as it lacks merit and in the premise the plaintiff ought to have shown more diligence in the prosecution of its matter.*
9. *That the defendant prays that this court dismiss the plaintiff's application for special leave of court to review as the application has been made too late in the day and the plaintiff has no recourse but to commence fresh proceedings.*
10. *That granting this application is prejudicial to the defendant as the plaintiff had more than sufficient time within which to apply for review of this Court's decision.*
11. *That there has been laxity and contumelious disregard of the relevant rules of this Honourable Court on the plaintiff's part in prosecuting their matter.*
12. *That the delay by the plaintiffs is inordinate and inexcusable and therefore constitutes abuse of court process and thereby warrants the dismissal of the application.*

Exhibited were several documents including summons for substitution of plaintiff with two legal representatives. Notices of

hearing as well as letters. Filed on the day was a list of authorities and skeleton arguments in opposition to application for special leave to review.

Under the title legal basis on which the defendant relies, I was referred to ***Order 3 Rule 5 (12) of the Rules of the Supreme Court 1999, Vol 1 (White Book)*** which provides that:

> *Two principles are to be considered. The first is that the rules of court and the associated rules of practice devised in the public interest to promote expeditions dispatch of litigation must be observed.*

Relying also on ***Halsbury's Law of England Vol 37 4th Edition, 2006 at paragraph 448*** which outlines the consideration under which the court must take into account when exercising its discretion to dismiss an action for want of prosecution without giving the plaintiffs an opportunity to remedy his default provided that is-

> a) *The default has been intentional and continuous 1. e.g. by disobedience to a peremptory court order or by abuse of process.*
> b) *That there has been prolonged or inordinate and inexcusable delay on the part of the plaintiff or his lawyers and that such delay will give rise to a substantial risk that it is not possible to have a fair trial of the issues in the action or is such likely to cause or have caused substantial prejudice to the defendants either as between themselves and the plaintiff or between them and a third party.*

I was referred to the case of ***Allan V Sir Alfred McAlphine and Sons Limited (1968) ALL ER 543***[6] the Court of Appeal held inter alia:

> ***"When delay in the conduct of an action is prolonged or inordinate and inexcusable and there is substantial risk by reason of the delay that a fair trial of the issues will no longer be possible or that grave injustice will be done to one party or the other or to both parties, the court may in its discretion dismiss the action right away. In order to exercise this discretion firstly the court will consider the circumstances of the particular case and among other factors whether the blame is really the defendants."***

I was also referred to the case of ***Nahar Investments Limited V Grindlays Bank International Zambia Limited (1984) 81 (SC)***[7] the Lordship held that:

> ***"As a general rule, appellants who sit back until there is an application to dismiss their appeal before making their own frantic application for extension do so at their own, if the delay has been inordinate or if in the circumstances of an individual, it appears that the delay has resulted in the respondent being unfairly prejudiced in any manner the dilatory appellant can expect the appeal to be dismissed for want of prosecution, notwithstanding that he has a valid and otherwise perfectly acceptable explanation."***

That litigation must come to an end and it is indeed highly undeniable that the defendants must not be kept in suspense because of the dilatory conduct of the plaintiff. I was referred to the case of ***Access Bank Limited V Group Fire/Zcon Business SCZ 852 of 2014 (2016) ZMSC at page 24 to 33***[8] their Lordship averred to the effect that:

> ***"Although matters should as much as possible, be determined on their merits rather than be disposed off on technical or procedural points, the ends of justice also require that this court, indeed all courts must never provide succor, to litigants and their Counsel who exhibit scant respect***

for rules of procedure as rules of procedure and timeliness serve to make process of adjudication fair just certain and even handed."

That it is imperative that applications for extension of time should be made in a timely fashion in accordance with the rules and not when the defendant has moved to dismiss the plaintiff's application. That the record will show that the order to dismiss was granted on 9th March, 2022 and that the plaintiff's lawyers served on 11th April, 2022 but waited until 6th June, 2022 to file their application to review. Therefore, sufficient time was given by the plaintiffs who exhibited much laxity and contumeliousness.

I was referred to the case of ***Finance Bank of Zambia Limited V Dimitrios Monokandilos, Filandriaia Kouri (2012) Vol ZR 484***[9] where the Judge held as follows:

"Where there has been inordinate and inexcusable delay in bringing or defending an action, this in itself can constitute an abuse of court process and therefore warrants the dismissal of the action. The court further espoused that as a rule until a credible excuse is made out, the natural inference would be that it's inexcusable."

That in this instance the plaintiff's application is too late in the day as they slept on their rights and the grounds advanced do not warrant a credible excuse. The plaintiffs failed to comply with the rules and as such their application should not be entertained. I was referred to the case of ***Ratuam v Cumarasaury and Another (1964) 3 ALL ER 916***[10] where Lord Guest made the following observation:

> ***"The Rules of court must prima facie be obeyed and in order to justify to a court in extending time during which some step procedures requires to be written, there must be some material on which the court can exercise its discretion, if the law were otherwise, party in breach would have an unqualified right to an extension of the time which would defeat the purpose of the Rules which is to provide a timetable of litigation."***

That in the case of ***De Nkhuwa v Lusaka Tyre Services Limited 1977 ZR 43***[11] where the Supreme Court observed that:

> ***"It was time legal practitioners were made to understand that where steps must be adhered to strictly and those practitioners who ignore them do so at their own peril."***

That the court in the case of ***Dipak Kumar Patel and Yakub Patel V David Kangwa Nkonde selected Ruling No. 33 of 2017***[12] the court held inter alia that:

> ***"That a dismissal for want of prosecution imputes inordinate delay, absence of diligence or interest to proceed with an action."***

The Defendant submitted that the foregoing authorities show that the plaintiff application lacks merit and void of an arguable case for review by this court as they disregarded with laxity and contumelious the said rules in prosecuting their case.

That this is a proper case in which the plaintiff's application should be dismissed.

On the file is a memo to the Judge-In-Charge Ms. Mulenga copied to Judge Kondolo. The subject matter of this memorandum was 2011/HP/576 Mulenga Kabwela Peter V Attorney General. The memorandum served to inform the Judge-In-Charge that this case was re-allocated to Judge Mulenga from Judge Kondolo. That the record reveals that Judge Kondolo had partially heard this case in that the trial commenced and the plaintiff closed his case. That at a status conference the defendant's Counsel indicated that considering the stage of the proceedings they wished to have the matter concluded by Judge Kondolo instead of restarting the trial. The file was forwarded to the Judge-In-Charge for onward transmission to Judge Kondolo for the conclusion of this matter. The memorandum was written on the 14th August, 2014. The Judge-In-Charge then sent the record back to Judge Kondolo for continued hearing on the 24th September, 2014.

On the 22nd October, 2015 a notice of intention to proceed was filed by Messrs. M. Makasa and Company. On the 22nd February, 2016 a request to set matter down for trial was filed by Messrs. M. Makasa and Company. On the 3rd November, 2017 Advocates for the defendants conducted a search on the 3rd November, 2017.

One should bear in mind that from the time the Judge-In-Charge sent the matter back to Judge Kondolo to the time a notice of intention to proceed was eleven (11) months. That four months after this Counsel for the plaintiff requested for a trial date to be set. Almost twenty months after this event the defendant's Advocates

were to give their defence. There was another request for notice to proceed on the 8th November, 2018 by Counsel for the plaintiff.

On the same date an affidavit in support of application to substitute the plaintiff with legal representatives was filed. Exhibited was probate as Peter Kabwela Mulenga passed away on the 3rd January, 2018. The personal representatives of the intestate were granted by the court to Mary Zulu and Mukula Makasa.

On the 5th February, 2020 summons for substitution of the plaintiff with the two legal representatives pursuant to ***Order XVI Rule 1 of the High Court Rules Chapter 27 of the Laws of Zambia*** was filed. The date for hearing was given as 12th March, 2020. There is another notice of hearing dated the 10th December, 2020.

The application to substitute the plaintiff was granted on the 10th December, 2020. The order was signed on the 9th March, 2021. The Order was however filed on the 12th January, 2021. On the 2nd April, 2021 a search was conducted by Counsel for the plaintiff.

This matter first came before me on the 29th July, 2021. On that day I gave it a date of the 20th August, 2021 to meet with the parties in order for us to agree on the way forward. Notices were sent to Messrs. Makasa and Company for the plaintiff and to the Attorney General's Chambers. On record is another notice for the 10th December, 2021 sent to the plaintiff's Counsel and Attorney General's Chambers. On record is another notice of hearing this

time dated 11th February, 2022 again to the plaintiff's Counsel and the Attorney General's Chambers. On the 11th February, 2022 Captain S.A. Tembo State Advocate from the Attorney General's Chambers appeared before me. He informed the court that the parties did not hold any discussions and that the matter has not moved. Mr. Tembo applied that the matter be discontinued as the plaintiff has not appeared and no reason has been advanced as to his non appearance. The court proceeded to have the matter struck out for want of prosecution. The reason I gave for doing so was that there has been no further action taken by the plaintiff since 12th January, 2021 when an order for substitution of parties was granted. The order to dismiss the matter was signed by the court on the 28th February, 2022.

On the 20th September, 2022, a search was conducted by Counsel for the plaintiffs Messrs. M. Makasa and Company to establish the status of the matter. This was done after filing of summons for special leave to court to review Order dated 28th February, 2022, pursuant ***Orders III Rule 2 and Order XXXIX Rule 1 and 2 and Order XXXV Rule 5 of Cap 27 of the Laws of Zambia.***

Filed on the same day was an affidavit in support deposed to by Mukula Makasa. The contents are at page 2, 3 and 4 of this Ruling.

Exhibited was an affidavit in support of Notice of Intention to proceed dated 22nd October, 2015. An Order for substitution of parties dated 9th March, 2021. A letter to the Attorney General from M. Makasa and Company dated the 7th September, 2021 informing

them that the matter which was scheduled for 20th August, 2021 was not heard because the Judge having conduct was not available. They requested for a copy of the defence.

There was another letter before that dated 10th March, 2020, which was a request for a new date of hearing addressed to the marshal of the Hon. Deputy Registrar K. M Walubita's Chambers.

There is another letter dated 18th January, 2022, to my Marshal which was not acknowledged because of corona. In this letter Counsel for the Plaintiff stated that, I advised that I would speak to my brother Hon. Mr. Justice Kondolo to establish whether the matter could be concluded by him since he was the one who was dealing with it before it was taken for re-allocation. That there was no feedback.

Exhibited was another letter dated the 24th January, 2022 from Counsel to the Plaintiff to the Attorney General's Chambers informing them that this matter was one I was of the impression that the Attorney General's Chambers could review for possible ex-curia settlement since it was a very old case. That if it can be resolved ex-curia, the parties can proceed by way of a Consent Order.

In a letter from the Attorney General's Chambers dated the 28th March, 2022 and received on the 11th April, 2020, Counsel to the Plaintiff was informed of the Order to dismiss the matter.

The Court is aware that it is the practice in dealing with bonafide interlocutory applications for Courts to allow triable issues to come to trial despite the default of the party. That it is not in the interest of justice to deny him the right to have his case heard (***Stanley Mwambazi v Morester Farm Limited***)

The Court is also aware of the fact that the Court has the power to review any Judgment on decisions given by him and when the Court ought to exercise their powers. ***(Order XXXIX Rule 1 & 2 of the High Court Rules).***

The Plaintiff conceded that the application made was out of time. It was argued that they were never issued with a Notice of Hearing for new dates. However, a quick look at the Court's file reveals that the Court issued Notices on the 20th August, 2021 on the 10th December, 2021 and the 11th February, 2022. From the information on all three notices, they were sent to the Plaintiff's Counsel Messrs. Makasa and Company as well as to the Attorney General's Chambers. I cannot for the life of me understand what the Plaintiff meant when they said that the Defendant added to the delay in this application being made. After all this is the Plaintiff's case and they should have taken a keen interest in its progress.

Having sent Notices dated the 31st January, 2022, for the matter to be heard on the 11th February, 2022, was surely sufficient notice on whether the Plaintiff was properly served with a notice of hearing as already stated the Court issued three notices and the Plaintiff did not appear on each of the dates.

I cannot ignore the history of the matter. That following the Plaintiff's application to substitute the Plaintiff with legal representatives, this matter had been inactive for a period of two years owing to laxity on the part of the Plaintiff.

It should be noted as stated earlier that the Court issued notices of hearing on three occasions. That though in the Defendant's affidavit in opposition states that the Court granted the Defendant's application for an Order to dismiss the matter for want of prosecution, this application was heard and granted on the 11th February, 2022. It was the Order that was signed on the 26th February, 2022. It could be that the delay that the Plaintiffs attributed to the Defendants was in serving the Plaintiffs with the Order of the Court on 11th April, 2022. Had Counsel for the Plaintiff bothered to conduct a search, they would have known about the outcome of the hearing following the notice of hearing for the 11th February, 2022.

I agree with the Defendant that the Plaintiff's application lacks merit the Plaintiff ought to have shown more diligence in the prosecution of the matter.

The delay in the conduct of this action was prolonged or inordinate and inexcusable and the Plaintiff ought to have known that there is a substantial risk by reason of delay that a fair trial of the issues will no longer be possible or that grave injustice will be done to one party (***Allan V Sir Alfred Mc Alphine and Sons Limited (1968) ALL ER 543 followed)***

The Plaintiff sat back until there was an application to dismiss. In the matter before me a dismissal for want of prosecution imputes inordinate delay, absence of diligence or interest to proceed with an action.

The Court therefore dismisses the Plaintiff's application for special leave of Court to review as the application has been made too late and Plaintiff has no recourse but to commence fresh proceedings. I agree with the Defendant that if I were to grant this application the same would be prejudicial to the Defendant as the Plaintiff had more than sufficient time within which to apply for review of the Court decision.

That there has been laxity and contumelious disregard of the relevant rules of this Court on the part of the Plaintiff in prosecuting their matter.

Right to Appeal is hereby granted each party will bear their own cost.

DELIVERED AT LUSAKA THIS 16TH DAY OF JULY, 2024.

16 JUL 2024
REGISTRY 3
P.O. BOX 50067, LUSAKA

G.C. CHAWATAMA
HIGH COURT JUDGE