

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

**2013/HP/00185**

**BETWEEN:**

**LOVENESS KANGWA**

**JONATHAN KALALA**

**VS**

**ZESCO LIMITED**



**1<sup>ST</sup> PLAINTIFF**

**2<sup>ND</sup> PLAINTIFF**

**DEFENDANT**

**CORAM: HONORABLE JUSTICE MR. MWILA CHITABO, SC**

*For the Plaintiffs: Mr. Francis Kapilikisha of Messrs FCK  
Chambers*

*For the Defendants: Mrs. Paul Mulenga – Principal Legal Officer*

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**JUDGMENT**

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***Cases Referred to:***

- 1. Bolam v Friern Hospital Management Committee [1957] 2 All ER 118*
- 2. Continental Restaurant and Casino Limited v Arida Mercy Chula*
- 3. J.R. Munday Ltd v London C.C. (1916) 2KB*
- 4. Khalid Muhamed v The Attorney(1982) ZR 49*
- 5. Michael Chilufya Sata v Zambia Bottlers Limited*
- 6. Victor Namakando Zaza v ZESCO Ltd SCZ No. 18 of 2001*

**Legislation:**

1. *Government Gazette Notice No. 523 of 2012*

**Works Referred to:**

1. *Charlesworth and Percy, on Negligence 9th Edition*
2. *Winfield and Jolowicz on Tort, Tenth Edition.*

The Plaintiffs instituted this action against the Defendant by way of Writ of Summons accompanied by a Statement of Claim. The Plaintiff claimed the following reliefs:

1. *Payment of K300, 000 and K495, 000 for damages suffered by the 1<sup>st</sup> Plaintiff and damages to the electrical appliances and food respectively.*
2. *Interest.*
3. *Costs.*
4. *Any other reliefs that the Court may deem fit.*

The Plaintiffs' Statement of Claim revealed that the 1<sup>st</sup> Plaintiff was the beneficial owner of the premises situate at Plot 6396 in Libala Stage III popularly known as Kangwa Bar.

The 2<sup>nd</sup> Plaintiff was a tenant at the said premises which housed various electrical appliances and goods. It further revealed that the Defendant is a public body charged with the exclusive generation, supply and sale of electricity in Zambia.

It was revealed that on or about the early morning of the 4<sup>th</sup> of September, 2012 the shop in issue caught fire and was completely gutted and all the electrical appliances and goods therein destroyed.

