

**IN THE HIGH COURT FOR ZAMBIA
AT THE COMMERCIAL DIVISION
HOLDEN AT LUSAKA
(Civil Jurisdiction)**

2017/HPC/474



BETWEEN:

KONKOLA COPPER MINES PLC

PLAINTIFF

AND

REPHIDIM MINING AND

1ST DEFENDANT

TECHNICAL SUPPLIES LIMITED

MIMBULA MINERALS LIMITED

2ND DEFENDANT

MOXICO RESOURCES LIMITED

3RD DEFENDANT

BEFORE HON. LADY JUSTICE IRENE. Z. MBEWE (In Chambers)

For the Plaintiff:

*Mr. M. Ndalameta & Mr. A. Dudhia of Messrs
Musa Dudhia & Company*

For the Defendant:

*Mr. Z. Muya & Ms. M. Kabwe of Messrs Muya
and Company.*

RULING

Legislation Referred to:

1. *High Court Act Cap 27 of the Laws of Zambia*

By way of background, the Plaintiff commenced committal proceedings against the alleged Contemnors on the basis that they are in breach of an interim injunction Order granted by this Court on 10th November 2017 restraining the Defendants or their agents or servants from trespassing or otherwise entering on or conducting any mining, mining processing and exploration over the Plaintiff's mining licence number 7075-HQ-LML and Lot 694/M comprising what is termed as the Mimbula disputed area.

At the hearing of the committal proceedings, the Plaintiff through its Advocate Mr. Ndalameta made an application for leave to subpoena a Mr. Romanus Chungu in respect to how service of the interim injunction Order on the alleged Contemnors was effected. Further, that the Tolling Agency be subpoenaed for purposes of giving evidence relating to the toll gate records of 13th November,

