

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

2015/HP/1456

BETWEEN:



PEGGY CHIBUYE

PLAINTIFF

AND

RINGWELL MUSHILUNGWE

DEFENDANT

BEFORE HONORABLE JUSTICE MR. MWILA CHITABO, SC

For the Plaintiff: Mr. D.M Mwewa of Messrs KBF & Partners

For the Defendant: Mr. L. Mudenda of Messrs Kalokoni & Company

R U L I N G

I agree with the sentiments expressed by the Learned Counsel Ms Mwewa that the Defendant had more than 3 months to prepare. There is no motion to adjourn as required by Practice Direction No. 13.

I also agree that the issue of Surveyor General's report was off the record and he found Order was made pursuant to Section 21 of the High Court Act; it can therefore not be a reason for an adjournment.

A party who causes an adjournment has to be condemned to pay the costs of the wasted day. I have taken into account the reason for advanced that Mr. Kalokoni (Senior) Counsel is now seized of the matter. The record reveals that the Learned Ms. Sumbwa appeared for the Defendant on the 6th of March, 2017.

The issue as to who in the Defendants law takes charge of the case cannot be a reason to inconvenience the Court. Since the Learned Mr. Mudenda has undertaken to adequately prepare for the case by tomorrow.

I will grant the adjournment; the justice of the case and I agree with the Learned Ms Mwewa that the wasted costs of the day be that of the Plaintiff to be taxed in default of agreement pursuant to Statutory Instrument No. 6 of 2017 of the Legal Practitioners scale of fees and limited to legitimate travel expenses/disbursement and allowable allowances of the Plaintiff and witnesses who have travelled and for the Plaintiffs Advocates, the fees to be limited as prescribed by the said Statutory Instrument to include fuels or transport costs waiting and appearing time.

The matter comes up on 30th July, 2017 at 09:30 hours.

Dated at Lusaka this ^{13th}..... day of July, 2017



Mwila Chitabo, SC
Judge