

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

2015/HP/2441

BETWEEN:

ZAMBIA COOPERATIVE FEDERATION  **PLAINTIFF**

AND

SWEDISH COOPERATIVE CENTRE

DEFENDANT

BEFORE HONORABLE MR JUSTICE MWILA CHITABO, SC

For the Plaintiff: Mr. H. Kabwe of Messrs Hobday Kabwe & Company

For the Defendants: Mr. I.M Mabbolobbolo

R U L I N G

Legislation referred

- 1. High Court Rules, Chapter 27 of the Laws of Zambia*
- 2. Court of Appeal Rules, 2016 Statutory Instrument No. 65 of 2016*
- 3. Constitution of Zambia Act No. 2 of 2016*

Cases referred to:

- 1. Twampane Mining Co-operative Limited v. L.M Storti Mining Limited (2011) 3 ZR 67*

This is an application for leave to file notice of appeal out of time against the Ruling of the Court dated 6th May, 2016 dismissing application for removal of a caveat pursuant to Order XLVII Rule 1 of the High Court Rules¹.

The application is supported by an affidavit deposed to by one **Milimo Hamweetwa**, the Director Human Resource and Administration for the Plaintiff. The essence of which is that the Plaintiff is desirous of appealing the Ruling of the Court alluded to in the first paragraph on the grounds that the delay was purely to the fact that the Plaintiffs Board only sits twice yearly.

That when the Board sat in December, 2016, a decision could not be made as their Advocates were reported to be on recess.

That it was only until sometime in June, 2017 that instructions were given by the Board to launch an appeal against the Ruling of 6th May, 2016.

Finally, it was deposed that it is in the interest of justice to grant the sought leave.

The application was understandably opposed. The affidavit in opposition was deposed to by one **Edgar Luwaya** the Regional Financial Controller of the Defendant organisation (formerly Swedish Co-operative Centre).

The crux of which was that the Plaintiff had overslept on its right by not appealing within the period prescribed by law. That the reasons advanced for the delay that is firstly that the Board only sits twice a

