

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



2017/HP/1110

IN THE MATTER OF:

PROPERTY NO. LUS/7246

IN THE MATTER OF:

**THE LANDS AND DEEDS REGISTRY ACT
CHAPTER 185 OF THE LAWS OF ZAMBIA,
SECTION 76(1) AND 81(1)**

AND

IN THE MATTER OF:

**ORDER XXX(11) OF THE HIGH COURT
RULES OF THE HIGH COURT ACT, CHAPTER
27 OF THE LAWS OF ZAMBIA**

B E T W E E N :

SUNRISE CARRIERS COMPANY LIMITED

APPLICANT

AND

ERNEST CHICHERA (Sued in his capacity as
Administrator of the estate of the late DICKSON
CHICHERA

RESPONDENT

**Before Honourable Mrs. Justice M. Mapani-Kawimbe in Chambers on the
7th day of November, 2017**

For the Applicant : *Mr. D. Jere, Messrs Mvunga & Associates*
For the Defendant : *No Appearance*

J U D G M E N T

Cases Referred To:

1. *Macaura v Northern Assurance Limited (1925) AC 619*
2. *Construction and Investment Holdings Limited v William Jacks and Company Limited (1972) ZR 66*

3. *Lenton Holdings Limited v Moyo (1984) Z.R 55*

Legislation Referred To:

1. *High Court Act, Chapter 27*
2. *Companies Act, Chapter 388*
3. *Lands and Deeds Registry Act, Chapter 185*

By originating summons the Applicant seeks the following reliefs:

- (i) *An Order that the Respondent do show cause why the caveat placed on Property No. LUS/7246, Lusaka should not be removed on account of the fact that the Respondent is not entitled and or has no beneficial interest in the said property that belongs to the Company.*
- (ii) *An Order for the removal of the caveat placed on property No. LUS/7246, Lusaka upon failure by the Respondent to show the requisite cause why such should not be removed.*
- (iii) *Further or other relief as the Court may deem fit.*
- (iv) *Costs of and incidental to this action.*

It is supported by an Affidavit sworn by **Lydia Magonde**, a director in the Applicant Company. She deposes that on 4th August, 2000, the Respondent placed a caveat on the Applicant's property No. LUS/7246, Lusaka on his own behalf and the eight children of the late Henry Chichera. She also states that the late Henry Chichera was a director and shareholder in the Applicant Company

