

IN THE HIGH COURT FOR ZAMBIA

2013/HPC/0238

AT THE COMMERCIAL REGISTRY

HOLDEN AT LUSAKA

(Civil Jurisdiction)



BETWEEN:

BETELE SMALL MINES LIMITED

1ST PLAINTIFF

CHUNG LING HU

2ND PLAINTIFF

AND

CHINA NATIONAL ELECTRIC

DEFENDANT

ENGINEERING CORPORATION

LIMITED (CNEEC)

Before the Hon. Lady Justice Irene Zeko Mbewe

For the Plaintiffs : *Mr. N. Ngandu of Messrs Shamwana & Company*

For the Defendant : *Mr. L. Mwansa of Messrs Chifumu Banda & Associates*

JUDGMENT

Cases Referred To:

- 1. Khalid Mohammed v Attorney-General [1982] ZR 49*
- 2. Blyth v Birmingham Waterworks Company [1856] 11 Ex 781*

3. *Donoghue v Stevenson* [1932] AC 562
4. *Findani Daka (Suing as Administrator of the Estate of Fackson Daka) v Attorney-General*
5. *British Westinghouse Electric and Manufacturing Co. Ltd. v Underground Electric Railways Co. of London Ltd* [1912] A.C. 673
6. *Masauso Zulu v Avondale Housing Project Limited* [1982] ZR 172
7. *Aubrey Nyambe v Total Zambia Limited* SCZ Judgment No 1 of 2015
8. *Mhango v Ngulube* [1983] ZR 61
9. *Attorney-General v D Mpundu* [1984] ZR 6

Other Works Referred To:

1. *Bryan Garner's "Black's Law Dictionary" 8th Edition, Thomson Reuters*

By way of writ of summons and statement of claim, the Plaintiffs' claims against the Defendant for the following reliefs:

1. Damages occasioned by the Defendant to their Mercedes Benz Tipper Truck Registration Number ABT 6274 and loss of income on the use of the said Tipper Truck pursuant to a contract dated 18th April 2013 entered into between the Plaintiffs' and Defendant.
2. The Plaintiffs further claim for interest and legal costs of this action.

