

**IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA**

2017/HP/1546

(Civil Jurisdiction)



IN THE MATTER OF:

**ORDER 113 OF THE RULES OF
THE SUPREME COURT WHITE
BOOK) 1999 EDITION**

IN THE MATTER OF:

**PLOT NO. 159/38B GARDEN SITE
3 LUSAKA**

IN THE MATTER OF:

**APPLICATION FOR AN ORDER OF
EVICTION ON PLOT NO. 159/38B
GARDEN SITE 3 LUSAKA**

B E T W E E N :

AARON BANDA

APPLICANT

AND

JACKSON NKHOMA

RESPONDENT

**Before Honorable Mrs. Justice M. Mapani-Kawimbe in Chambers on the
30th day of November, 2017**

For the Plaintiff : *In Person*
For the Defendant : *In Person*

J U D G M E N T

Cases Referred To:

1. *Khalid Mohamed v Attorney General (1982) ZR 49*

Legislation Referred To:

1. *Rules of the Supreme Court 1999*

By originating summons, the Applicant seeks:

- (i) *A declaration that the Applicant is the rightful owner of the piece of land.*
- (ii) *An order to demolish any structure illegally constructed by the Defendant on the said piece of land.*
- (iii) *An eviction order to the Respondent, his agents, tenants, servants or whoever may be deriving authority from the Defendant, from the said piece of land.*
- (iv) *An order restraining the Respondent either by himself, his agents, or servants or whosoever, from harassing, intimidating, trespassing and/or carrying out any construction work of any structure at the said piece of land.*
- (v) *Any other relief that the Court may deem fit.*
- (vi) *Costs of and incidental to the proceedings.*

The summons are supported by an Affidavit sworn by **Aaron Banda** who states that he is the biological son of Patricia Lungu who died intestate in 2016. That he obtained Letters of Administration on 30th June, 2017 from Matero Local Court as shown in the exhibit marked "**AB4.**" He avers that before his mother's demise, she was on 15th January, 2016, given a subdivision of Plot CH/282/9013 by the Evangelical Mutumwa Spiritual Church. That this was by deed of gift. Further, that Reverend Robin Phiri acted on behalf of the Church. The deponent states that he received the Deed of Gift from the Church on 18th July, 2017, as shown in the exhibit marked "**AB5.**"

