

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

2016/HP/0354



B E T W E E N :

BIDWELL SIAME
LOMANZI BANDA

1ST PLAINTIFF

2ND PLAINTIFF

AND

REGINA CHIPITAMBILI

DEFENDANT

Before Honorable Mrs. Justice M. Mapani-Kawimbe in Chambers on the 30th day of January, 2018

For the Plaintiffs : *Mr. A. Banda, Messrs LM Chambers*
For the Defendant : *No Appearance*

R U L I N G

Cases Referred To:

1. *Nyampala Safaris and 4 Others v Wildlife Authority and 6 Others (2004) Z.R 49 (S.C)*
2. *Sonny Paul Mulenga, Vismar Mulenga, Chainama Hotels Limited and Elephants Head Hotel v Investment Merchant Bank Limited (1999) Z.R 101 (S.C)*
3. *Shelter for All, Evans Mukula Chomba v Kingfred Ramsey and Precious Ramsey SCZ/8/192/2009*

Legislation Referred To:

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

This is the Plaintiffs' application to stay execution of judgment. It is filed pursuant to Order 47 Rule 1 of the High Court Rules. It is supported by an Affidavit.

The background facts are that the Plaintiffs and Defendant own neighbouring farms in Maloni village, Lusaka West, namely Lot 6284/M, Lusaka and Lot 6285/M, Lusaka respectively. They hold certificates of title for their properties, having been recommended by the Kafue District Council in 2015 for land allocation. I delivered judgment on 16th November, 2017 against the Plaintiffs, where I held that they misapprehended their boundary perimeters and illegally built structures on the Defendant's property, Lot 6285/M, Lusaka. I also held that they were not entitled to any compensation for their illegal structures, which were demolished by the Zambia Police.

At the hearing, Learned Counsel for the Plaintiffs relied on the Affidavit filed in Support. The gist of which is that the Plaintiffs being dissatisfied with the Judgment of this Court have lodged an appeal with the Court of Appeal. They believe that they have high

