

SELECTED JUDGMENT NO. 5 OF 2018

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**IN THE SUPREME COURT OF ZAMBIA
HOLDEN AT LUSAKA**

**SCZ/8/67/2016 &
SCZ/8/63/2016**

(Civil Jurisdiction)

BETWEEN:

CHAKAKA VILLAGE COUNTRY HOUSE LIMITED

1ST APPELLANT

LAWRENCE SIKUTWA

2ND APPELLANT

CHAKAKA PROCUREMENT COMPANY LIMITED

3RD APPELLANT



AND

AFRICAN BANKING CORPORATION ZAMBIA LIMITED RESPONDENT

CORAM: Mwanamwambwa, DCJ, Phiri and Musonda, JJS

on 23rd January, 2017 and 30th January, 2018

For the Appellants: Mr. D. M. Chakoleka, of Messrs Mulenga, Mundashi
& Kasonde Legal Practitioners

For the Respondent: Mr. K. Chenda, of Messrs Simeza Sangwa &
Associates

JUDGMENT

MUSONDA, JS, delivered the Judgment of the Court

Cases referred to:

1. **Nahar Investments Ltd. v. Grindlays Bank International Zambia Ltd. (1984) Z.R. 81**
2. **Mwambazi v. Morester Farms Limited [1977] Z.R. 108**
3. **John Sangwa and Simeza Sangwa & Associates (Appealing as a Firm) v. Hottelier Limited & Ody's Works Ltd.: SCZ/8/402/2012**
4. **Access Bank (Zambia) Ltd. v. Group Five/ZCON Business Park Joint Venture: SCZ/8/52/2014**
5. **Twampane Mining Co-operative Society Ltd. v. E and M. Start, Mining Limited: SCZ Judgment No. 20 of 2011**
6. **Oswald Chulu v. Moses Muteteka & Electoral Commission of Zambia: SCZ/8/051/2013**
7. **Jamas Milling Company Limited v. Imex International (Pvty) Limited: (2002) Z.R. 79**
8. **Henry Kapoko v. The People: 2011/CC/0023**
9. **Mutantika & Mulyata v. Chipungu: SCZ Appeal No. 94 of 2012**
10. **Costellow v. Somerset County Council: [1993] 1 ALL. E.R. 952**

Legislation referred to:

1. **Rule 48(4) of the Rules of the Supreme Court, CAP. 25 of the Laws of Zambia**
2. **Rule 49(5) of the Rules of the Supreme Court, CAP. 25 of the Laws of Zambia**
3. **Article 118(2)(e) of the Constitution of Zambia Act as amended by Act No. 2 of 2016**
4. **Rule 55 of the Supreme Court Rules, CAP. 25 of the Laws of Zambia**

This is a combined judgment in respect of two motions which were separately filed by the appellants on 4th August, 2016 in

