

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

2018/HP/0020



BETWEEN:

MM INTEGRATED STEEL MILLS LIMITED**PLAINTIFF**

AND

AFRICAN TRADING LIMITED
(Trading as Lake Petroleum)

1st DEFENDANT**CARDINAL DISTRIBUTORS LIMITED****2nd DEFENDANT****LUSAKA CITY COUNCIL****3rd DEFENDANT****ATTORNEY GENERAL****4th DEFENDANT**

**BEFORE HON MRS JUSTICE S. KAUNDA NEWA THIS 16th DAY OF
FEBRUARY, 2018**

For the Plaintiff : *Mr W. Muhanga, AKM Legal Practitioners*

For the 1st and 2nd Defendants : *Mr P.Songolo, Philsong and Partners*

For the 3rd Defendant : *No appearance*

For the 4th Defendant : *No appearance*

R U L I N G

CASES REFERRED TO:

1. ***Shepard Homes Limited V Sandham 1971 CH 340***
2. ***Shell and BP V Connidaris and others 1975 ZR 174***
3. ***American Cyanamid V Ethicon 1975 AC 396***
4. ***Societe Francoise D'applications Commerciales Et***
5. ***Industries S.A.R.L Electronic Concepts Limited 1976 1 WLR 51***
6. ***Harton Ndove V Zambia Educational Company Limited 1980***

- ZR 184**
7. ***Turnkey Properties Limited V Lusaka West Development Limited and others 1984 ZR 84***
 8. ***Cayne V Global Natural Resources 1984 2 ALL ER 225***
 9. ***Garden Cottage Foods Limited V Milk Marketing Board 1984 A.C 130***
 10. ***Intercontex V Schmidt 1988 F.S.R 574***
 11. ***Zambia State Insurance Corporation Limited V Dennis Muliokela 1990 ZR 18***
 12. ***Hilary Bernard Mukosa V Michael Ronaldson 1993-1994 ZR 26***
 13. ***Yengwe Farms Limited V Masstock Zambia Limited, Commissioner of Lands and the Attorney General 1999 ZR 65***
 14. ***Wesley Mulungushi V Catherine Bwale Mizi Chomba 2004 ZR 96***
 15. ***Limpics V Mawere and others Appeal No 121 of 2006 (unreported)***
 16. ***Hongling Xing Xing Building Company Limited V Zamcapital Enterprises Limited 2010/HP439***
 17. ***Michael Chilufya Sata V Chanda Chimba III, Zambia National Broadcasting Corporation, Muvi TV Limited, Mobi TV International Limited 2011 Vol 2 ZR 445***
 18. ***Stripes Zambia Limited V Cinderella Investments Limited and Sana Industries Limited Appeal No 200/2012***

This is a ruling on application made by the Plaintiff for an order of interim injunction, made pursuant to Order 29 Rule 1 of the Rules of the Supreme Court, 1999 edition. The injunction was granted ex-parte on 9th January, 2018 and made returnable on 23rd January, 2018. On that date the matter was adjourned to 5th February, 2017, to enable Counsel for the Plaintiff to peruse the affidavit in opposition that had been filed the previous day, and which was quite bulky, and then obtain instructions thereon.

When the matter came up on 5th February, 2018, only Counsel for the 1st and 2nd Defendants was before the court, and he asked to proceed with the application, which was granted. It was Counsel's submission that they opposed the application, and relied on the affidavit in opposition filed on 22nd January,

