

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

**2017/HPC/0433**

*(Civil Jurisdiction)*

BETWEEN

**EXPORT TRADING LIMITED**



**AND**

**CHIMANGA CHANGA LIMITED**

**DEFENDANT**

**Before the Hon Madam Justice Irene Zeko Mbewe**

*For the Plaintiff : Mr. Paul Kapikisha of Messrs Milner & Paul Legal Practitioners*

*For the Defendant : Mr. M. Mukupa of Messrs Isaac and Partners*

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**RULING**

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**Cases Referred To:**

1. *Heyman v Darwins Limited [1942] 1 ALL E R 337*
2. *Leopard Ridge Safaris Limited v Zambia Wildlife Authority [2008] ZR 97*
3. *Cash Crusaders Franchising Pty Limited v Shakers & Movers Limited [2012] ZR 3 ZR 174*
4. *Aubrey Nyambe v Total Zambia Limited SCZ Judgment No 1 of 2015*

5. *Premium NAFTA Products and Others v Fili Shipping Limited and Others* [2007] UKHL 40
6. *Woolf v Collis Removals Service* [1948] 1 K.B 11 (CA)

**Legislation Referred To:**

1. *Arbitration Act No 19 of 2000*
2. *High Court Rules, Cap 27 of the Laws of Zambia*

This is the Defendant's application for summons for an Order to refer the matter to arbitration. The supporting affidavit is deposed to by Sokwani Peter Chilembo the Legal Counsel in the Defendant Company. It is deposed that the Plaintiff commenced an action against the Defendant on 27<sup>th</sup> September 2017 claiming for -

- i. *An order for specific performance of the Contract executed between the Plaintiff and the Defendant dated 4<sup>th</sup> May 2017.*
- ii. *Payment of ZMW9,032,713.05 being the sum due on the quantum meruit for the value of 3,169,379 metric tonnes of white maize delivered by the Plaintiff and received by the Defendant pursuant to a written contract dated 4<sup>th</sup> May 2017*
- iii. *Damages for breach of contract.*

