

**IN THE SUPREME COURT FOR ZAMBIA
HOLDEN AT LUSAKA**
(Civil Jurisdiction)

SCZ/8/116/2015

BETWEEN:

JEFF SIMPSON MUSONDA

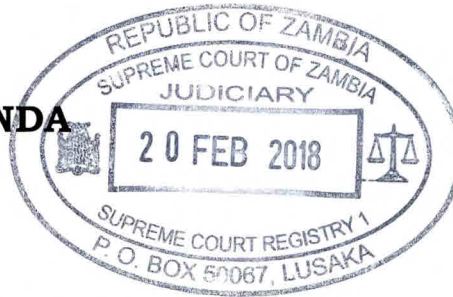
AND

MARY ALICE LLOYD

MARY MUKAJEKA TRIPLETT

LLOYD (Administrators of the estate of Peter

David Lloyd, deceased)



APPELLANT

RESPONDENT

Coram: Hamaundu, Wood and Malila, JJS

On 23rd February, 2017 and 20th February, 2018

For the appellant : Mr T. Chali, Messrs H.H. Ndhlovu & Co

For the respondent : Mr G. Pindani, Messrs Chonta, Musaila
and Pindani, Advocates

JUDGMENT

HAMAUNDU, JS, delivered the Judgment of the Court.

Cases referred to:

**Phillip Mutantika and Mulyata Sheal, S. v Kenneth Chipungu, SCZ
Judgment No. 13 of 2014**

The appellant by this motion seeks to move the full bench of this court to grant him an extension of time within which to file his record of appeal. This motion comes against the following background:

Being dissatisfied with a judgment of the High Court, the appellant filed a notice of appeal in this court on 22nd February, 2016. Realising that he might not be able to file his record of appeal within the 60 days stipulated by the rules, the appellant, on 18th April, 2016, filed before a single judge of this court an application for extension of time within which he could file his record of appeal. Hearing of that application was set for 5th May, 2016. When that day arrived, neither party appeared before the single judge to argue the application. The single judge struck the application off the cause list. The appellant applied to restore it, and was successful. A new date of hearing was fixed and set for 20th June, 2016. When that day came, neither party, again, appeared before the single judge. This prompted the single judge to dismiss the application, entirely, for want of prosecution.

The respondent then went back to the High Court and filed a writ of possession. The appellant came back to the single judge of this court and applied to stay execution of the High Court Judgment.

