

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

2018/HP/0660



BETWEEN:

MWELWA CHIBESAKUNDA AND 9 OTHERS PLAINTIFFS

VS

EMIR INVESTMENTS LIMITED

1ST DEFENDANT

VIOLET NKHATA

2ND DEFENDANT

YOSUF SAHUTOGLU

1ST ALLEGED CONTEMNOR

ATA SAHUTOGLU

2ND ALLEGED CONTEMNOR

SULEYMAN SAHUTOGLU

3RD ALLEGED CONTEMNOR

MOHAMED (SOLE MALE)

4TH ALLEGED CONTEMNOR

CORAM: HONORABLE JUSTICE MR. MWILA CHITABO, SC

For the Plaintiffs: N/A

For the Defendants: N/A

RULING

There is application for leave to grant issue of contempt proceedings.

I decline to grant order exparte; there is no evidence that process was served actually on the registered office of 1st Defendant.

Secondly, there is no evidence that the process was served personally on the 2nd Defendant.

Thirdly, contemnors cited are not party to the proceedings.

Fourthly, the affidavit of service filed on 18th May, 2018 is deposed by a Clerk in the employment of the Advocates for the Plaintiff and as such is not good service as he has an interest in the matter.

Fifthly, the deponent of the affidavit in support of the application for leave to signal contempt proceedings for committal has been done by an Advocate for the Plaintiff personally. It is undesirable for Advocates to swear affidavits on behalf of clients in contentious matters. (See ***Chikuta v. Chipata Rural Council (1974) ZR.***)

Ex parte application denied. Matter to come up interparte on 4th July, 2018 at 09:30 hours.

Dated this 22nd day of June, 2018



Mwila Chitabo, SC

Judge