

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

**SCZ/8/307/2013**

*(Civil Jurisdiction)*

**BETWEEN:**

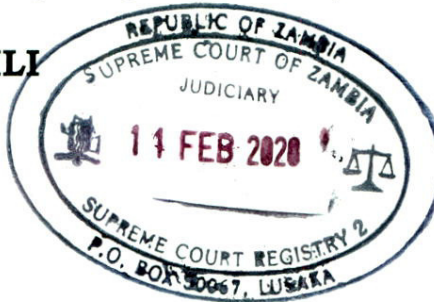
**GERMANO MUTALE KAULUNG'OMBE** *(sued* **1<sup>ST</sup> APPELLANT**  
*in his Capacity as Liquidator of Anegi Oils Limited)*

**MARK CLETUS MUSHILI** **2<sup>ND</sup> APPELLANT**

**SYDNEY MUSHILI** **3<sup>RD</sup> APPELLANT**

**AND**

**TAZAMA PIPELINES LIMITED** **RESPONDENT**



**Coram: Wood, Kaoma and Kajimanga, JJS**

**On 4<sup>th</sup> February, 2020 and 11<sup>th</sup> February, 2020**

*For the Appellants: D. Bunting - D. Bunting & Associates*

*For the Respondent: No Appearance*

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**JUDGMENT**

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Wood, JS delivered the judgment of the court.

**Legislation Referred to:**

1. Section 4 (b) of the Supreme Court Act and Rules 12 (1) and 48 (1) (4) of the Supreme Court Rules Cap 25 of the Laws of Zambia.

When we heard this motion, we dismissed it and informed the parties that we would give our reasons later. We now do so.

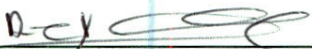
This is a notice of motion by the appellants, for leave to file the record of appeal out of time pursuant to section 4 (b) of the Supreme Court Act and Rules 12 (1) and 48 (1) (4) of the Supreme Court Rules Cap 25 of the Laws of Zambia. The affidavit in support, sworn by Robson Malipenga, states that Muyovwe JS sitting as a single Judge refused to grant the appellants their second application to file their record of appeal out of time. The two reasons Mr. Malipenga gave in his affidavit were that he was seeking further instructions from the appellants and that he had travelled to the village for a bereavement.

The single Judge did not accept the reasons given by Mr. Malipenga because at the earlier sitting he had indicated that the record of appeal was ready. The Judge was also of the view that the bereavement was not a sufficient reason because the record of appeal could have been filed long before the bereavement. The single Judge held that the reasons given were not sufficient to warrant another extension.

We have perused the motion and have no difficulty in agreeing with the single Judge's decision. Litigation is fraught with risks and one risk which should not be taken lightly is the risk of non-compliance with court orders. Court orders and rules are there for the efficient running of the justice system with predictability. Orders for extension of time are not granted as a matter of routine. The presiding Judge must be satisfied that there is sufficient reason for exercising this discretion in favour of the applicant. We see no merit in this motion as the applicants could have instructed their advocates earlier and the record of appeal could have been filed long before the bereavement. We therefore dismiss the motion with costs to be agreed or taxed in default of agreement.



**A.M. WOOD**  
**SUPREME COURT JUDGE**



**R.M.C. KAOMA**  
**SUPREME COURT JUDGE**



**C.KAJIMANGA**  
**SUPREME COURT JUDGE**