

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

2013/HP/0369



**B E T W E E N:**

ANDRE PHANOR (*Suing as beneficiary  
in the estate of Fritz Phanor*)

**PLAINTIFF**

**AND**

FRANZ PHANOR

**1<sup>ST</sup> DEFENDANT**

EVITA PHANOR

**2<sup>ND</sup> DEFENDANT**

KAREN DE BEER (*Sued as administrators  
in the estate of Fritz Phanor and Sharon  
De Beer Phanor*)

**3<sup>RD</sup> DEFENDANT**

**Before Honourable Mrs. Justice M. Mapani-Kawimbe on the 8<sup>th</sup> day of  
November, 2017**

*For the Plaintiff* : *Mrs. L. Mushota, Messrs Mushota &  
Associates*  
*For the 1<sup>st</sup> & 2<sup>nd</sup> Defendants* : *Mr. S. Chisenga, Messrs Corpus Legal  
Practitioners*  
*For the 3<sup>rd</sup> Defendant* : *No Appearance*

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**J U D G M E N T**

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**Cases Referred To:**

1. *Abel Mulenga & Others v Chikumbi and Attorney General*
2. *Anderson Kambela Mazoka and Others v Levy Patrick Mwanawasa and Others (2005) Z.R 138*
3. *Masauso Zulu v Avondale Housing Project (1982) Z.R. 172*

**Legislation Referred To:**

1. *Wills and Administration of Testate Estates Act, Chapter 60*

The Plaintiff issued a Writ of Summons endorsed with a claim for:

1. *A statement of account of the estate of Fritz Phanor.*
2. *A declaration that the 1<sup>st</sup> Plaintiff is a beneficiary as the son of Fritz Phanor born to Chilufya Charity Katongo, the 2<sup>nd</sup> Plaintiff.*
3. *A declaration that the 2<sup>nd</sup> Plaintiff is a beneficiary as a dependant of Fritz Phanor who maintained her both in Zambia and London.*
4. *A declaration that the Defendants are accountable and liable to the Plaintiffs as administrators in succession, having taken over administratorship of Fritz Phanor from Sharon De Beer Phanor, also now deceased.*
5. *A share of Fritz Phanor's personal effects for sentimental reasons, such as photographs and antiques for the 1<sup>st</sup> Plaintiff.*
6. *A fair share of the estate inclusive of real estate as stipulated under intestacy.*
7. *Further and other remedies as the Court may deem fit.*
8. *Costs.*

The Statement of Claim reveals that the Plaintiff was the son of Fritz Phanor (deceased) and Chilufya Katongo, (then 2<sup>nd</sup> Plaintiff but now removed from the proceedings) born in 1990. It is also stated that Fritz Phanor died in 1997 intestate without leaving a valid will. Further, that the 1<sup>st</sup> and 2<sup>nd</sup> Defendants are his siblings, while the 3<sup>rd</sup> Defendant is the maternal aunt of the 1<sup>st</sup> and 2<sup>nd</sup> Defendants and a sister of their deceased mother, Sharon De Beer Phanor. The Plaintiff alleges that Fritz Phanor lived with him and

