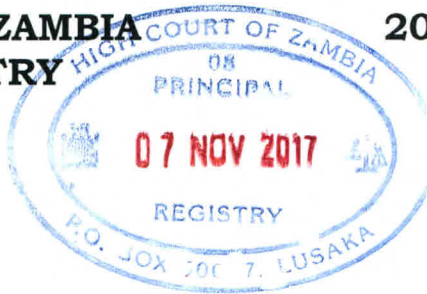


**IN THE HIGH COURT FOR ZAMBIA  
AT THE PRINCIPAL REGISTRY  
HOLDEN AT LUSAKA**  
*(Civil Jurisdiction)*



**2015/HP/1083**

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

MBITA CHITALA

**PETITIONER**

**AND**

ATTORNEY GENERAL

**1<sup>ST</sup> RESPONDENT**

GEORGE MWAMBAZI

**2<sup>ND</sup> RESPONDENT**

**Before Honorable Mrs. Justice M. Mapani-Kawimbe in Chambers on the 7<sup>th</sup> day of November, 2017**

*For the Appellant* : *Mr. L. C. Lemba, Messrs David Oliver Sakala and Company*  
*For the 1<sup>st</sup> Respondent* : *No Appearance*  
*For the 2<sup>nd</sup> Respondent* : *Mrs. V. Sichone, Mesdames Theotis, Mataka & Legal Practitioners*

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**R U L I N G**

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**Cases Referred To:**

- 1. Nyampala Safaris and 4 Others v Wildlife Authority and 6 Others (2004) Z.R. 49 (S.C)*
- 2. Sonny Paul Mulenga, Vismar Mulenga, Chainama Hotels Limited and Elephants Head Hotel v Investrust Merchant Bank Limited (1999) Z.R 101 (S.C)*
- 3. Shelter for All, Evans Mukula Chomba v Kingfred Ramsey and Precious Ramsey SCZ/8/192/2009*

**Legislation Referred To:**

- 1. High Court Act, Chapter 27*

This is the Petitioner's application to stay execution of Ruling. It is filed pursuant to Order III Rule 2 of the Rules of the High Court and supported by an Affidavit.

The history of this matter is discerned from the Affidavit in Support. The Petitioner, **Mbita Chitala** deposes that on 10<sup>th</sup> July, 2015, he filed into Court a Petition for protection from deprivation of property and against adverse possession of land. That there was and still exists a misrepresentation of fact in the way his property was adjusted when a subdivision was created. That the same is confirmed by his Certificate of Title, which gives him the R.E of 5.9658 hectares out of his original 10,039 hectares of land indicated on Title No. 4802 and proven by CY No. 9246 dated 13<sup>th</sup> November, 2001 as shown in the exhibits marked "**MC1**" and "**MC2.**"

The deponent states that the 2<sup>nd</sup> Respondent was by mistake or misrepresentation or fraud also given land to the extent of 6.07 hectares which conflicted with Petitioner's property dimensions and the 2<sup>nd</sup> Respondent commenced an action against him. That the 2<sup>nd</sup>

