

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

2016/HP/0665



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

MALAMBO MUNYATI

**PLAINTIFF**

**AND**

BOSTON MUSADAMBWE

**DEFENDANT**

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

*For the Plaintiff* : *Mr. P. Mwikisa, Messrs PW Mwikisa and  
Company*  
*For the Defendant* : *In Person*

---

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

---

**Cases Referred To:**

1. *Colgate Palmolive (Z) Inc. v Able Shemu Chuka & 110 Others Appeal No. 181 of 2005*
2. *Nkongolo Farms Ltd v Zambia National Commercial Bank & Others Appeal No. 101/2004*

**Other Works Referred To:**

1. *Chitty on Contracts, 26<sup>th</sup> Edition, Volume 1*
2. *Trettel, the Law of Contract, 13<sup>th</sup> Edition, Sweet & Maxwell, 2011*

The Plaintiff issued a Writ of Summons and Statement of Claim seeking the following reliefs:

- i. Weekly bus product at the rate of K200 x 6 for 3 months*
- ii. Lump sum payment of K58,000.00*
- iii. Interest at current bank lending rate*
- iv. Costs*

The particulars given in the Statement of Claim are that the Plaintiff bought a 16 seater Hiace mini bus for his transportation business. He employed the Defendant's son as his driver, who later disappeared with his mini bus. The Plaintiff states that he made several attempts to contact the driver but failed and his bus was never recovered. After the incident, he informed the Defendant, who willingly executed an agreement with him on 26<sup>th</sup> February, 2013.

In that agreement, the Defendant undertook to pay the Plaintiff a lump sum of the gross cost of the mini bus at K58,000.00. He further, undertook to redress the Plaintiff for his loss, the weekly bus product at the rate of K200.00 x 6 days. The Defendant further agreed to redress the Plaintiff within a period of ninety days from 26<sup>th</sup> February, 2013. The Plaintiff claims that the Defendant has failed or neglected to comply with the agreement and has not paid him any money to date.

