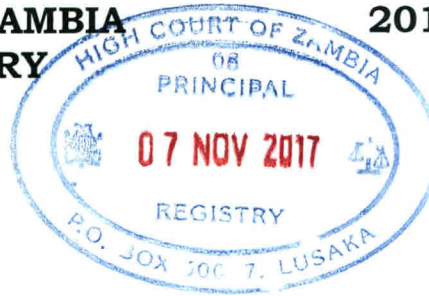


**IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA**
(Civil Jurisdiction)



2017/HP/0354

B E T W E E N :

BIDWELL SIAME
LOMAZI BANDA

**1ST PLAINTIFF
2ND PLAINTIFF**

AND

REGINA CHIPITAMBILI

DEFENDANT

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

For the Plaintiffs : Mrs. M. Mushipe, Messrs Mushipe & Associates
For the Defendant : Mr. D. Kasote, Messrs Chifumu Banda & Associates

R U L I N G

Legislation Referred To:

- 1. High Court Act, Chapter 27*
- 2. Rules of the Supreme Court, 1999 Edition*

This matter was scheduled for continued trial on 29th September, 2017. However, Learned Counsel for the Plaintiffs who had just been retained sought the Court's indulgence to join the Commissioner of Lands, Surveyor General and the Zambia Police

through the Attorney General. It was her view that their joinder would assist the Court in arriving at a just decision. Counsel relied on Order 14 Rule 5(1) of High Court Rules, which empowers a Court to join any person to proceedings, whether by application or at the instance of the Court.

Counsel further relied on Order 18 of the High Court Rules and Order 20 of the Rules of the Supreme Court, which allow amendments to proceedings at any time before delivery of judgment. Counsel submitted that the Zambia Police demolished the Plaintiffs' structures without a Court order. She also submitted that it is only the Commissioner of Lands or Surveyor-General who can ascertain the extent of the land in controversy. If these proceedings are allowed to close, they will prejudice the Plaintiffs.

Counsel added that a perusal of the evidence revealed that there were no documents produced to show that the Ministry of Lands ascertained the boundaries in this matter. The evidence of the private surveyor could not be taken to be full proof. Counsel submitted that even though the proceedings had reached an advantaged stage, an appropriate order could be made in the

