

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

**2017/HP/1133**



**BETWEEN:**

**BISHOP PETER MULENGA  
REV. MIRRIAM MULENGA**

**1<sup>ST</sup> APPLICANT  
2<sup>ND</sup> APPLICANT**

AND

**VICTORIA MUSOLE  
JEFF UWAKWE**

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

**Before the Hon. Mr. Justice M.L. ZULU  
in Chambers on the 4<sup>th</sup> October, 2017**

*For the Applicants:*

*In Person*

*For the Respondent:*

*No Appearance*

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

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This is an application brought by the Applicants on 13<sup>th</sup> July, 2017 by way of Originating Summons pursuant to Order 30 Rule 1 of the High Court Act, Cap 27, of the laws of Zambia. The Applicants sought the following reliefs:

- 1. Vacant Possession of Property (Shop) No. D130, Mtendere, Lusaka;**

- 2. An Order for eviction directed at the Respondents from the said dwelling Shop No. D130, Mtendere, Lusaka;**
- 3. Damages for the inconvenience the Applicants have suffered due to Respondents action;**
- 4. Any other relief the court may deem appropriate; and**
- 5. Costs and incidental to these proceedings.**

The Application is supported by an Affidavit in support deposed by Peter Mulenga, the 1<sup>st</sup> Applicant and also the Landlord of the property, D130 no. 416, Mtendere, Lusaka.

The 1<sup>st</sup> Applicant in his Affidavit evidence states that on 1<sup>st</sup> March, 2016, he offered the Respondents in a written agreement, marked '**BPM1**' to rent the Shop D130 for a period of one year, but was extended by a further two months after its expiry on 28<sup>th</sup> February, 2017. It was the Applicants further evidence that the contract was not renewed because of various misunderstandings between the parties but the Respondents have refused to vacate the shop.

It was also the Applicants affidavit evidence that the Council ordered them not to trade in the Shop because it was not registered.

On 10<sup>th</sup> August, 2017, the Respondents filed a joint Affidavit in opposition to the Originating Summons asking the Court not to

