

**IN THE SUPREME COURT OF ZAMBIA**

**APPEAL NO. 134/2013**

**HOLDEN AT KABWE**

***(Civil Jurisdiction)***

**BETWEEN:**

**ATTORNEY GENERAL**

**THE COMMISSIONER FOR LANDS**

**LIVINGSTONE CITY COUNCIL**

**CAPTAIN JOHN MWAMULIMA**

**AND**

**AMBEX CLOTHING MANUFACTURERS LIMITED**

**Coram: Wood, Malila and Musonda, JJS.**

**On 7<sup>th</sup> November, 2017 and 15<sup>th</sup> November, 2017**

*For the 4<sup>th</sup> Appellant : In person*

*For the Respondent : No Appearance*



**1<sup>ST</sup> APPELLANT**

**2<sup>ND</sup> APPELLANT**

**3<sup>RD</sup> APPELLANT**

**4<sup>TH</sup> APPELLANT**

**RESPONDENT**

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## **JUDGMENT**

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**Wood, JS, delivered the judgment of the Court.**

**Case referred to:**

1. *Union Gold (Zambia) Limited v The Attorney General - SCZ Judgment No.14/2016.*

**Legislation referred to:**

1. *Order 11 rule 4 of the High Court Rules Cap 27.*

2. *Order 6 Rule 1 of the High Court Rules Cap 27.*
3. *Section 13 (3) of the Lands Act Cap 184 of the Laws of Zambia*

In this appeal, the 4<sup>th</sup> appellant seeks to set aside a High Court ruling which held that there was no multiplicity of actions or abuse of court process and that the action had been properly commenced.

It is necessary to give a synopsis of the facts leading to this appeal.

On 29<sup>th</sup> January, 2013 in Appeal No. 174A/2008 between the 3<sup>rd</sup> and 4<sup>th</sup> appellants as 1<sup>st</sup> and 2<sup>nd</sup> appellants against the respondent, we nullified a ruling of the Lands Tribunal delivered on 3<sup>rd</sup> June, 2003 relating to Stand No. 1492 Livingstone and held that the matter should have been commenced in the High Court and not the Lands Tribunal. The respondent then commenced another action under Cause Number 2010/HP/806 against the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents. The learned Deputy Registrar dismissed Cause Number 2010/HP/ 806 on 2<sup>nd</sup> November, 2011 for abuse of process. Undeterred by this set back, the respondent commenced

