

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

**2011/HP/1307**

BETWEEN:

**DAVIS MANYANDO MUYUNDA**

AND

**UNITURTLE INDUSTRIES (Z) LIMITED**



**PLAINTIFF**

**DEFENDANT**

**BEFORE HON MRS JUSTICE S. KAUNDA NEWA THIS 1<sup>st</sup> DAY OF  
DECEMBER, 2017**

*For the Plaintiff : Mr B. Mukatuka, Robson Malipenga and Company*

*For the Defendant : Mr M. Mulenga, AMC Legal Practitioners*

---

## **R U L I N G**

---

CASES REFERRED TO:

1. *Mayo Transport V United Dominions Corporation Limited 1962 R&N LR 22*
2. *Abraham Mohamed and Alantra Transport Limited V Safeli Chumbu 1993 - 1994 ZR 4*
3. *Lisulo V Lisulo 1998 ZR 75*
4. *Akashambatwa Mbikusita Lewanika and others V F.T.J Chiluba 1998 ZR 79*
5. *Jamas Milling Company Limited V Imex International PTY Limited 2002 ZR 79*
6. *Zamtel V Aaron Mweene SCZ No 7 of 2012*

LEGISLATION REFERRED TO:

1. *The High Court Rules, Chapter 27 of the Laws of Zambia*
2. *The Law Reform Miscellaneous Provisions Act, Chapter 74 of the Laws of Zambia*
3. *The Judgments Act, Chapter 81 of the Laws of Zambia*

This is a ruling on an application made by the Plaintiff for an order to review the judgment, made pursuant to Order 39 Rule 2 of the High Court Rules, Chapter 27 of the Laws of Zambia. Counsel relied on the affidavit filed in support of the application on 27<sup>th</sup> October, 2017 as well as the submissions.

He stated that it is trite law that any judgment for the payment of money should be paid with interest as provided in Section 2 of the Judgments Act, Chapter 81 of the Laws of Zambia. That therefore it was their prayer that this court reviews its judgment to the extent that it orders that the Defendant pays the 2007 March salary to the Plaintiff with interest to date.

In response, Counsel for the Defendant submitted that notwithstanding the provisions of the Judgment Act, Chapter 81 of the Laws of Zambia, Section 4 of the Law Reform (Miscellaneous Provisions) Act, Chapter 74 of the Laws of Zambia, and Order 36 Rule 8 of the High Court Act, Chapter 27 of the Laws of Zambia provide for the payment of judgments sums with interest.

However that in view of what transpired before the court, the relief sought is not attainable by way of review of the judgment, and reference was made to the case of **ZAMTEL V AARON MWEENE SCZ No 7 of 2012**. It was stated that the case is very instructive as to when review of judgment is available. That it was held in that case that except by way of appeal, no court has the power to review its' judgment or order after it has been drawn.

Further that the case of **MAYO TRANSPORT V UNITED DOMINIONS CORPORATION LIMITED 1962 R&N LR 22** although a High Court decision, but which was approved in the cases of **AKASHAMBATWA MBIKUSITA LEWANIKA AND OTHERS V F.T.J CHILUBA 1998 ZR 79** and **LISULO V LISULO 1998 ZR 75** and **JAMAS MILLING COMPANY LIMITED V IMEX INTERNATIONAL PTY LIMITED 2002 ZR 79** held that review under Order 39 has limited scope, which is limited to the correction of clerical errors, slips or omissions, where the court intends to convey the meaning of a judgment or

