

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

**2015/HP/0626**



**BETWEEN:**

**MECKIE MWAMUCHENA SHISHOLEKA**

**PLAINTIFF**

**AND**

**LAFARGE ZAMBIA LIMITED**

**1<sup>ST</sup> DEFENDANT**

**THE COMMISSIONER OF LANDS**

**2<sup>ND</sup> DEFENDANT**

**CORAM: HONORABLE JUSTICE MR. MWILA CHITABO, SC**

*For the Plaintiff: Mr. G. Musonda of Messrs Dzekdzeke and Co.*

*For the 1<sup>st</sup> Respondent: Mrs. C. Ngulube Litigation Manager Lafarge.*

---

**RULING**

---

**Cases Referred to:**

1. *Ahmed Abad v Turning and Metals Limited* (1987) Z.R. 86 (S.C.)
2. *American Cynamid Co. v Ethicon Ltd* (1975) 1 ALL ER 504.
3. *Edward Jack Shamwana v Levy Mwanawasa* (1994) S.J 93
4. *Shell BP Zambia Limited v Conidaris and Others* (1975) Z.R. 174.
5. *Tan Capital Partners Incorporation and Another v Mushinge and Other* (2008) 2 ZR 179

6. *Turnkey Properties Limited v Lusaka West Development Limited and Others (1985) ZR 85.*

**Legislation Referred to:**

1. *White Book Rules of the Supreme Court of England (1999 Edition)*

This was the 1<sup>st</sup> Defendant's application for an Order to Discharge an Exparte Order of Injunction granted to the Plaintiff on 1<sup>st</sup> April, 2016.

The genesis of the matter is that this matter was commenced on 1<sup>st</sup> April 2016 by way of writ of summons and Statement of Claim. The Plaintiff also applied for an Exparte Order for an Interim Injunction which was also granted on 1<sup>st</sup> April, 2016.

The Court initially gave a return date for the inter-parte hearing of 10<sup>th</sup> May, 2016. However, on the return date an application to set aside the writ for abuse of Court process was made by the Defendants. The parties also informed the Court that they required a month long adjournment as they were engaging in ex curia discussions.

When the matter came up a month later the parties proceeded with the application to set aside the writ for abuse of Court process. This application was however dismissed and the Court proceeded to give Order for Directions.

The Ex-parte Order remained in force but no interparte hearing was not held and has prompted this application. The application was

