

AMENDED PURSUANT TO ORDER OF THE COURT DATED 18TH DECEMBER, 2017 UNDER THE SLIP RULE

**IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA**

(Civil Jurisdiction)



2016/HP/2188

IN THE MATTER OF:

**SECTION 81 OF THE LANDS AND DEEDS
REGISTRY ACT CAP 185 OF THE LAWS OF
ZAMBIA**

IN THE MATTER OF:

**AN APPLICATION FOR REMOVAL OF CAVEAT
OVER STAND NUMBER LUS/9812/611**

BETWEEN:

KANEKWA MUMBA

APPLICANT

AND

EUNICE CHIGOWE

1ST RESPONDENT

YOTAM CLIVE NGOMA

2ND RESPONDENT

REGISTRAR OF LANDS AND DEEDS

3RD RESPONDENT

BEFORE HONORABLE JUSTICE MR. MWILA CHITABO, SC

For the Applicant:

*Ms. M. Siansumo of Messrs Malambo
and Company*

For the 1st & 2nd Respondent:

Nil

For the 3rd Respondent:

*Mr. Emmanuel Tembo (Assistant
Senior State Advocate)*

J U D G M E N T

Legislation referred to:

1. *The Lands and Deeds Registry Act, Chapter 185 of the Laws of Zambia*

This is an originating summons launched by the Applicant against the Respondents for the removal of a caveat placed on the Stand Number Lus/9812/611, Lusaka with costs. The application is anchored under Section 81 of the Lands and Deeds Registry Act¹. The application is supported by an affidavit deposed to by the Applicant one **Kanekwa Mumba**.

The essence of which is that the Applicant purchased Stand No. Lus/9812/611, Lusaka from the 2nd Respondent **Yotam Clive Ngoma** as evidenced by exhibit KM1 dated 28th December, 2015 which is a contract of sale, in respect of the property which is registered in the name of **Yotam Clive Ngoma** as shown by exhibit KM2.

It was deposed that the Applicant on 17th November, 2015 conducted a diligent search at the Lands and Deeds Registry vide exhibit "KM3" which is a computer printout revealing that there were no encumbrances on the property other than a third party mortgage registered by Betternow Finance Company Limited.

That on 30th December, 2015, a further search was conducted at the Ministry of Lands which did not reveal any encumbrance but reflected memorandum of deposit of title as evidenced by exhibit KM4.

