

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

*(Civil Jurisdiction)*



**2017/HP/1259**

IN THE MATTER OF:

**ORDER 113 OF THE RULES OF THE  
SUPREME COURT 1999 EDITION**

IN THE MATTER OF:

**AN APPLICATION FOR SUMMARY  
POSSESSION OF THE PROPERTY  
KNOWN AS FARM NO. 10811 MUNGULE  
AREA, CHIBOMBO DISTRICT OF THE  
CENTRAL PROVINCE**

**B E T W E E N :**

LAWRENCE ROBIAM SILI MUSIPA

**APPLICANT**

**AND**

DAVIES SIMBARASHE TEMBO

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

AMANDA MWABI NYIRONGO

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

THE COMMISSIONER OF LANDS

**3<sup>RD</sup> RESPONDENT**

**Before Honourable Mrs. Justice M. Mapani-Kawimbe in Chambers on the  
4<sup>th</sup> day of December, 2017**

*For the Applicant* : *In Person*  
*For the 1<sup>st</sup> Defendant* : *No Appearance*  
*For the 2<sup>nd</sup> Respondent* : *No Appearance*

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

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**Cases Referred To:**

1. *Khalid Mohamed v The Attorney general (1982) ZR 49*

**Legislation Referred To:**

1. *Rules of the Supreme Court, 1999 Edition*
2. *Lands and Deeds Registry Act, Chapter 187*
3. *Lands Act, Chapter 184*

By originating summons, the Applicant seeks the following

reliefs:

- i. *An order for summary possession of part of Farm No. 10811 and customary land under Lot No. 26869/M*
- ii. *An order directing the 3<sup>rd</sup> Respondent to cancel Certificate of Title No. 14412, Chibombo District, Central Province issued to the 1<sup>st</sup> and 2<sup>nd</sup> Respondents as the same was erroneously issued.*
- iii. *An order that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents should compensate the Applicant a sum of K12,500 for the damage they have caused to the Applicant's farm.*
- iv. *Costs and any other relief the Court may deem fit.*

In the supporting Affidavit, **Lawrence Robiam Sili Musipa**, states that Farm No. 10811 was allocated to his family in 1960 by Headman Mutakwa of Mutakwa Village, Chief Mungule. That in 2009, Headman Mutakwa authorized the Applicant to apply for a title deed and on 29<sup>th</sup> October, 2009, the deponent was recommended for the allocation of the property exhibited in **"LRM2."**

