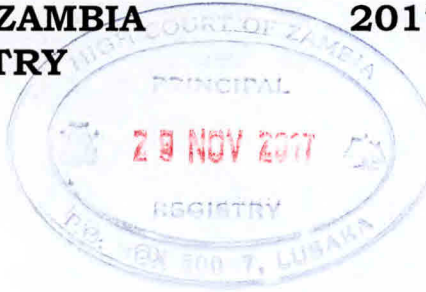


**IN THE HIGH COURT FOR ZAMBIA  
AT THE PRINCIPAL REGISTRY  
HOLDEN AT LUSAKA**

**2017/HP/1443**

*(Civil Jurisdiction)*



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

KENNEDY CHIBWE KALONGA

**PLAINTIFF**

**AND**

AFRICAN BANKING CORPORATION ZAMBIA LIMITED

**DEFENDANT**

**Before Honorable Mrs. Justice M. Mapani-Kawimbe in Chambers on the  
29<sup>th</sup> day of November, 2017**

*For the Plaintiff* : *In Person*  
*For the Defendant :* *Mr. K. Chenda, Messrs Simeza Sangwa &  
Associates*

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**R U L I N G**

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**Cases Referred To:**

1. *Inyati Construction Limited v Pouwels Construction Zambia Limited and Pouwels Hotels and Resorts Limited 2013/HPC/0285*
2. *Twampane Mining Cooperative Society Limited v E and M Storti Mining Limited, (2011) ZR 67*
3. *Phillip Mutantika and Mulyata v Kenneth Chipungu SCZ Judgment No. 13 of 2014/Appeal No. 94 of 2012*
4. *Communications Authority of Zambia v Vodacom (2009) ZR 196*

**Legislation Referred To:**

1. *High Court Act, Chapter 27*
2. *Rules of the Supreme Court 1999*

**Other Works Referred To:**

1. *Halsbury's Laws of England, 4<sup>th</sup> Edition, Volume 36 (1)*

This is the Defendant's motion for an order to set aside Writ of Summons and Statement of Claim for irregularity. It is filed pursuant to Order 7 Rule 2 and Order 11 Rule 21 of the Rules of the High Court and Order 2 Rule 2 of the Rules of the Supreme Court.

The grounds upon which the application is made are as follows:

- (i) *The Plaintiff has not endorsed on the Writ of summons his occupation, electronic address and postal address contrary to Order 7 Rule 2(1) of the High Court Rules; and*
- (ii) *The statement of claim pleads evidence over material facts contrary to Order 18 Rule 7 of the Rules of the Supreme Court.*

The motion is supported by Skeleton Arguments wherein Learned Counsel stated that the Plaintiff issued a Writ of Summons on 25<sup>th</sup> August, 2017 endorsed with the following claims:

- (i) *Reimbursement of all moneys illegally deducted from his salary account.*

