

THE SUPREME COURT OF ZAMBIA
HOLDEN AT NDOLA
(Civil Jurisdiction)

Appeal No.179/2017

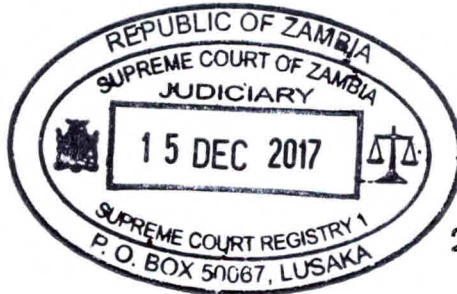
BETWEEN:

RAPHAEL MWALE

RUTH PHIRI

AND

BP ZAMBIA PLC



1ST APPELLANT

2ND APPELLANT

RESPONDENT

CORAM: Mambilima, CJ, Kaoma and Kajimanga JJS

On 5th September and 12th December 2017

For the Appellants: In person by Raphael Mwale

For the Respondent: Mr. N. Ng'andu, Messrs Shamwana and Company

J U D G M E N T

Kajimanga, JS delivered the judgment of the court.

Cases referred to:

1. Expendito Chipalo and Others v BP Zambia Plc 2002/HP/688
2. Unyimbi Musuluko and 4 Others v. Kariba North Bank, Appeal No.58 of 1999

3. **BP Zambia Plc v Yuyi Lishomwa, Gondwe Hastings O'brien and Singumbe Keith Mutupo, Appeal No. 72/2007**
4. **Re Athlumney [1898] 2 QB 547**
5. **Celtel Zambia Limited (T/A Zain Zambia) v Zambia Revenue Authority (2011) Z. R. Vol. 2 11**
6. **Abel Banda v The People (1986) Z. R. 105**
7. **Nkhata and Others v Attorney General (1966) Z. R. 124**

Legislation referred to:

1. **Pension Scheme Regulations Act, No. 28 of 1996**
2. **Pension Scheme Regulations Act (Commencement) Order, 1997, Statutory Instrument No. 27 of 1997**

Other Work referred to:

Halsbury's Laws of England, 4th Edition Volume 44 paragraph 922, page 570.

This is an appeal against the decision of the learned Deputy Registrar of the High Court on an application for assessment.

For a better understanding of this appeal, it is necessary that we should trace its history. The events leading to this appeal are that sometime in 1993, the appellants issued a writ of summons against the respondent claiming, among other things, a refund of their pension contributions following the termination of their services by the respondent. On 25th November 1997, the High Court delivered a

