

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

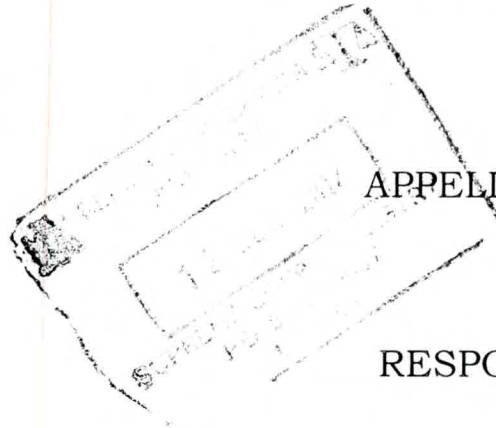
APPEAL NO. 82/2015
SCZ/8/018/2015

BETWEEN:

PATRICK CHILAMBWE

AND

ATTORNEY GENERAL



APPELLANT

RESPONDENT

CORAM: Mambilima, CJ, Kaoma and Kajimanga, JJS.
On: 5th December, 2017 and 12th December, 2017

For the Appellant: Mr. E. Mwansa-Mwansa, Phiri, Shilimi and Theo
Legal Practitioners

For the Respondent: N\A

J U D G M E N T

KAOMA, JS delivered the Judgment of the Court.

Cases referred to:

1. **Patmat Legal Practitioners (sued as a firm) and Chipo Zyamwaika Mudenda Ndele, Cramos Makanda, Sally Jarielle Trollip v Kenny H. Makala (sued as Joint Administrators of the Estate of the late Horace Makala) – Appeal No. 68/2015 – Selected Judgment No. 62 of 2017**
2. **Emmanuel Mponda v Mwansa Christopher Mulenga, Christopher Mungoya and Attorney General - Selected Judgment No. 42 of 2017**
3. **Standard Chartered Bank Zambia Plc v Kasote Singogo – Appeal No. 212/2016**
4. **Simwanza Namposhya v ZSIC (2010) Volume 2 Z.R. 339**
5. **Zambia Revenue Authority v Dorothy Mwanza and others (2010) Volume 2 Z.R. 181**

6. Wilson Masauso Zulu v Avondale Housing Project Limited (1982) Z.R. 179

Legislation referred to:

- 1. Supreme Court Rules, Cap 25, Rules 49(8) and 58(2)**
- 2. Lands and Deeds Registry Act, Cap 185, sections 4, 6 and 33**

The background to this appeal as can be gathered from the appellant's testimony in the court below and from the judgment appealed against, is that the appellant was a quantity surveyor in the Ministry of Works and Supply. He was employed on 8th September, 1988. He was initially allocated flat No. 11 Pipit Court, NIPA flats. On 20th December, 1993 he applied for change of quarters since he was now married, and his family was growing.

On 20th May, 1998 the Director of Buildings wrote to the chairman of the Lusaka Housing Committee to consider allocating to the appellant flat No. 6, Teal Court, Church Road, which at the time, was occupied by the late Mr. and Mrs. Arora, a couple of Indian origin. Mr. Arora was a senior engineer in the Ministry of Works and Supply while his wife was working for the Ministry of Health. Mrs. Arora had been allocated flat No. 6, Teal Court on 12th August, 1994. On 24th June, 1998 the Lusaka Housing Committee allocated flat No. 6, Teal Court, to the appellant. At the same time, flat No. 11 Pipit Court was allocated to the late Rosemary Katalilo.

