

**IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA**
(Civil Jurisdiction)

2017/HP/1397



B E T W E E N :

MANINGI SAFARIS LIMITED

PLAINTIFF

AND

ATTORNEY GENERAL

DEFENDANT

**Before Honorable Mrs. Justice M. Mapani-Kawimbe in Chambers on the
16th day of March, 2018**

For the Plaintiffs : *Mr. M. Mutemwa, Messrs Mutemwa Chambers*
For the Defendant : *Mr. T. Musimuko, State Advocate*

R U L I N G

Cases Referred To:

1. *Panorama Alarm System and Security Services Limited v Dar Farms Transport Limited 2011/HK/07*
2. *Lusaka West Development v Turnkey Properties Limited S.C.Z Judgment No. 1 of 1990*
3. *Krige v Christian Council of Zambia (1975) ZR 152 (SC)*
4. *William David Carsle Wise v E.F Hervey Limited (1985) ZR 17*
5. *Daniel Mwale v Njolomole Mtonga (sued as Administrator of the Estate of the late Gabriel Siwanamutenje Kapuma Mtonga) v The Attorney General*
6. *Cutts v Head and Another (1984) 2 WLR*
7. *Lusaka West Development Company Limited, B.S. K. Chiti (Receiver), Zambia State Insurance Corporation v Turnkey Properties Limited (1990) S.J. (S.C)*

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 4th Edition, Volume 17*

This is the Plaintiff's appeal against the Ruling of the Learned Deputy Registrar delivered on 14th November, 2017 in which she dismissed the Plaintiff's action for being statute barred. It is filed pursuant to Order XXX Rule 10 of the High Court Rules and is supported by an Affidavit.

The facts leading to the appeal are that the Plaintiff commenced this action on 18th August, 2017. The Defendant raised an issue *in limine* contesting the Plaintiff's action on the ground that it was filed out of time and after nine (9) years, from the time that its cause of action arose. As a result, the Defendant contended that the action was statute barred. On the other hand, the Plaintiff argued that the parties had been engaged in *ex curia* negotiations and there was a dispute on the quantum of compensation, which

