

IN THE SUPREME COURT OF ZAMBIA
HOLDEN AT NDOLA
(CIVIL JURISDICTION)

APPEAL NO.196/2014
SCZ/8/190/2014

BETWEEN:

TEICHMANN ZAMBIA LIMITED



APPELLANT

AND

MUMANA PLEASURE RESORT
PUMA ENERGY ZAMBIA PLC

1ST RESPONDENT
2ND RESPONDENT

CORAM: Chibomba, Hamaundu and Kaoma, JJS
On 3rd March, 2015 and 22nd February, 2018

For the Appellant : Mr J. Jalasi, Messrs Eric Silwamba,
Jalasi and Linyama Legal Practitioners

For the 1st Respondent : N/A

For the 2nd Respondent : Mr S. Lukangaba, Messrs Mweemba
Chashi & Partners and Messrs Shamwana
& co

JUDGMENT

Hamaundu, JS delivered the Judgment of the court.

Legislation referred to:

- 1. The High Court Rules, Chapter 27 of the Laws of Zambia, Order XIV Rule 5(1)**
- 2. The Rules of the Supreme Court (White Book), Order 14A**

The appellant appeals against the ruling of the High Court dated the 12th August, 2014 by which the High Court removed the two respondents from these proceedings and replaced them with Mumana Hotels Limited. The background to this appeal is as follows: On 22nd May, 2014, the appellant commenced an action against the two respondents, seeking in the main an order of specific performance of a contract of sale between the appellant and the 1st respondent with respect to a portion of Stand No.10446 described as "S/D "A". The appellant averred in its statement of claim that when the parties entered into an agreement dated 31st August, 2011, for the sale of the above property, they made provision within the contract that should the 1st respondent desire to sell or develop the neighbouring vacant piece of land, the appellant would have the first option either to buy it or to partner with the 1st respondent in a joint venture. In March, 2014 the appellant discovered that the 1st respondent had, instead, offered the vacant land to the 2nd respondent.

The 1st respondent's immediate reaction was to raise two preliminary issues on a point of law pursuant to **Order 14/5/2** of

