

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

2004/HP/1184

BETWEEN:

PATRICK MOSES SAPALLO



PLAINTIFF

AND

**WOMEN AND LAW IN SOUTHERN AFRICA
RESEARCH AND EDUCATION TRUST**

DEFENDANT

Before Hon. Mr. Justice Mathew L. Zulu, the day of November, 2018

*For the Plaintiff: Ms. D. Kapitolo of Makebi Zulu and Advocates
For the Respondent: N/A*

RULING

This is the Plaintiff's Application made pursuant to Order 39, Rule 1 of the High Court Rules, Chapter 27 of the Laws of Zambia. The Application follows the earlier Order of this Court dismissing the matter made on 10th February, 2015.

Following the dismissal of this matter, the Plaintiff applied for special leave of the Court to review the Court's Order, and the Court granted the Plaintiff the Order on 29th February, 2015. The parties were given numerous dates for hearing of the application, but owing to change of the Courts handling the matter, the matter was subsequently heard on 6th July, 2017, by which time Advocates representing the Defendant had applied to withdraw from representing their client.

Ms. Kapitolo on behalf of the Plaintiff relied on the Affidavit in Support of the application filed on 8th April, 2016, which stated that when the matter came up on 4th December, 2014, the notice of hearing was not communicated to the plaintiff or his advocates.

The deponent deposed that his failure to restore the matter within the 14 days to action cause list as ordered by the Court was as a result of not being aware that the matter had come up for hearing earlier.

Perusal of the record reveals that the Plaintiff was not served with dates for hearing. This could have been an administration lapse of the Registry.

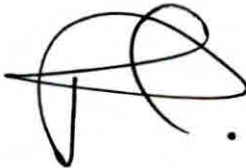
This position was noted by the Hon. Judge that had conduct of this matter at the time she granted special leave to review her earlier decision.

In the circumstances, considering that the Plaintiff was not served with the notice of hearing, I am bound to grant the Applicant their prayer in the interest of justice.

I quash the earlier Order of 10th February, 2015 and Order that the matter be restored to active cause list so that the parties be heard on merit. Noting the period this matter has been in court, I order parties to attend Status Conference on 18th April, 2018 at 08:20 hours.

I make no Orders as to costs for this application.

Delivered this.....^{11th}.....day of^{April}..... 2018



**M. L. ZULU
HIGH COURT JUDGE**