

**IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA**

(Civil Jurisdiction)

2017/HP/0150



BETWEEN:

LAMASAT INTERNATIONAL LTD

PLAINTIFF

AND

FINANCE BANK ZAMBIA LTD

DEFENDANT

BEFORE HONORABLE MR. JUSTICE MWILA CHITABO, SC

For the Plaintiff: Ms M. Mukuka of Messrs Ellis & Co.

For the Defendant: Mr. Alfred Mumba of Messrs Mwenye & Mwitwa Advocates

R U L I N G UPON ATTENDANCE IN CHAMBERS

By consent of the parties, this matter is adjourned to 22nd November, 2018 at 09:30 hours.

As regards costs, the Learned Counsel Mr. Mumba has very fairly and professionally disclosed that he had engaged State Counsel, B.C Mutale who revealed he is appearing in the superior Court of the Constitutional Court. For that reason he was not objecting to the adjournment.

Learned Counsel however placed a caveat on the adjournment entreating the Court to condemn the Plaintiff to pay for the wasted costs of the day.

Ordinarily, a party that occasions an adjournment ought to suffer the wasted costs of the day. The costs however are in the discretion of the Court. And in exercising that discretion the Court should do so judiciously.

In the case in casu, it is common cause that the Learned State Counsel B.C Mutale is seized of some legal contest in the superior and Apex Court in Constitutional matters (The Constitutional Court). That Court takes precedence over this Court as a matter of law.

Granting costs against a party whose Attorney or State Counsel is attending to business in superior courts will be inappropriate.

Much as the delay which will be occasioned by this adjournment is regretted, the justice of this case is that I make no order as to day's costs. Put differently, each party shall bear its own costs.

Dated the 11th day of April, 2018



Mwila Chitabo, SC

Judge