

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

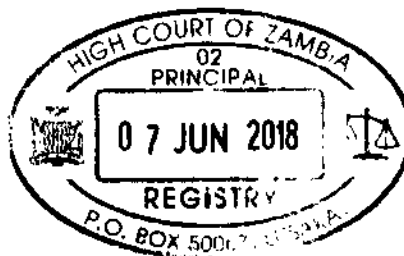
2017/HP/A41

BETWEEN:

ZSIC LIFE LIMITED

AND

WALUBITA NAWA



APPELLANT

RESPONDENT

CORAM: HONOURABLE MR. JUSTICE MWILA CHITABO, SC

For the Appellant: N/A

For the Respondent: N/A

R U L I N G

This is an *exparte* application to restore the order of the Court dated 15th March, 2018 which was discharged on 29th May, 2018. The appeal was struck off from the active cause list for non appearance of the Appellant with liberty to restore within 14 days from the date thereof.

There is also an application to restore the action (appeal) to the active cause list.

The applications are supported by affidavits deposed to by the Advocate seized of this matter. The gravamen of which Counsel was on leave and there was no other Advocate to attend to the same.

This ground is impertinent and is totally devoid of any merit. The Advocate who is an officer of the Court opted to go on his leisure of leave. He made no efforts to instruct other Counsel to hold a brief for him. He had no courtesy to file in motion to adjourn as required by Practice Direction No. 13.

This conduct is disapproved. Advocates and litigants who choose to ignore Court orders do so entirely at their own peril.

I have factored in that the Appellant is desirous of prosecuting its appeal. I would therefore restore the appeal to the active cause list.

I however decline to restore the stay order I granted on 15th March, 2018 and which I discharged on 29th May, 2018 on the ground that Counsel seized of the matter opted to go on leave in preference to attending Court.


I refuse to be complicit in delaying the early disposition of the appeal. This Court has neither the time nor the propensity to be adjourning cases on flimsy grounds of truant Advocates. The Court pronounces its disapproval by rejecting and refusing the invitation to restore the stay order.

Leave to appeal to the superior Court of Appeal is also denied.

The appeal will be heard on 23rd August, 2018 at 08:45 hours.

I make no order as to costs on the Appellants two interlocutory applications.

Dated this ^{7th} day of June, 2018



Mwila Chitabo, SC
Judge