

HOLDEN AT LUSAKA

(Civil Jurisdiction)

B E T W E E N:

**GARRY NKOMBO
CHISHIMBA KAMBWILI**

AND

**ROBERT CHABINGA
HENRY MULENGA
ATTORNEY GENERAL**



**1ST APPELLANT
2ND APPELLANT**

**1ST RESPONDENT
2ND RESPONDENT
3RD RESPONDENT**

BEFORE: CHISANGA JP, MULONGOTI AND MAJULA, JJA

On the 27th March 2019 and 4th December 2019

For the 1st Appellant: Mr. M. H. Haimbe, Messrs Malambo & Company

For the 1st 2nd Appellants: Mr. G. Phiri, Messrs PNP Advocates

For the 1st & 2nd Respondent: N/A

For the 3rd Respondent: Mrs. L. S. Chibowa, SSA with Mr. E. Sitali, SA,
Attorney General's Chambers

JUDGMENT

CHISANGA, JP delivered the Judgment of the Court

Cases referred to

- 1. *Mulungushi vs Chanda***
- 2. *Development Bank of Zambia & Another vs Sunvest Limited (1995-97) ZR 187***
- 3. *BP Plc vs Interland Motors Limited and Others (2001) ZR 37***
- 4. *Mung'omba and Others vs Machungwa & Others (2003) ZR 17***

5. *The People vs the Patents and Companies Registration Agency Exparte Finsbury Investment and Another 2017/CCZ/003 selected judgment No 28 of 2018*
6. *R vs Rent Officer Service, ex-parte Muldoon, R vs Rent Officer Service, ex-parte Kelly (1996) 3 ALL ER 948*
7. *Jamas Milling Company Limited vs Imex International Limited (2002) ZR 79*
8. *Access Bank Zambia Limited vs Group Five/Zcon Business Park Venture SCZ/8/52/2*
9. *General Nursing Council of Zambia vs Ing'utu Milambo Mbangweta (2008) ZR 105*
10. *Afrop Zambia Limited vs Antony Chate and Others SCZ Appeal No 160/2013.*
11. *Dan Pule & Others vs The Attorney General & Others, CCZ Selected judgment No 60 of 2018*
12. *Inland Revenue Coms vs National Federation Interest of Self-employed and Small Business Ltd (1981) 2 All ER 93*
13. *Zinka vs Attorney General (1990-92) ZR 73*

INTRODUCTION

This appeal is interlocutory. It is against a ruling refusing to join the appellants to an application for leave to move for judicial review. The said leave is being sought by the 1st and 2nd respondents in the court below. They are thus the applicants. Henry Mulenga is Executive Director of Gallant Youth Zambia Foundation Limited, while Robert Chabinga is a Good Governance Activist Politician and businessman. They seek leave to move for judicial review the decision of the Speaker of the National Assembly, recommending that the Notice of Motion for Impeachment of the President be tabled without regard to the active cases in the Constitutional Court.

