

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

2014/HP/1922

BETWEEN:

MILES SAMPA

AND

**BRIDGET ATANGA (Sued in her capacity
As Secretary General of the Patriotic Front)**

1ST DEFENDANT

EDGAR LUNGU

2ND DEFENDANT

**Before The Honourable Mr. Justice I. C. T. Chali in Chambers at
Lusaka, the 04th day of December, 2014.**

For the Plaintiff:

Messrs. Iven Mulenga and Company,
Messrs. Makebi Zulu Advocates and Messrs.
Lungu Simwanza and Company

For the 1st Defendant:

Messrs. SBN Legal Practitioners

For the 2nd Defendant:

Messrs. Mweemba Chashi & Partners and
Messrs. H. H. Ndhlovu and Company

R U L I N G

On 3rd December, 2014, the Plaintiff filed into Court a writ of summons accompanied by a statement of claim seeking, among other reliefs:

1. An order of interim injunction restraining the 2nd Defendant from holding himself out as President of the Patriotic Front Party (the PF) and from presenting the Certificate of Adoption to the Electoral Commission of Zambia, and

2. A declaration that the said Adoption Certificate granted to the 2nd Defendant is null and void.

In essence, the Plaintiff seeks to impugn the process by which the 2nd Defendant was elected as Patriotic Front President and to stop the 2nd Defendant from filing his nomination as candidate for the Republican Presidential election slated for 20th January 2015. Instead he would like the Court to find that it was the Plaintiff who ought to be recognised as President of the Patriotic Front and be declared official Patriotic Front candidate for the January 2015 election.

Unfortunately for the Plaintiff, another action had been commenced on 1st December 2014 under Cause No. 2014/HP/1906 in which the Chairperson of the Patriotic Front had, *inter alia*, challenged the conference at which the Plaintiff in this case was elected. In that action, the Party's Chairperson also wanted EDGAR LUNGU, the 2nd Defendant in this case, to be recognised as the only lawfully elected Party President who also ought to be the party's candidate in the January 2015 election.

Further, it appears by the time the Plaintiff herein had filed his action, a judgment by consent had already been filed and approved and signed by Hon. Madam Justice M. S. Mulenga. That judgement declared EDGAR LUNGU President of the Patriotic Front and that the election of the Plaintiff herein as illegal, null and void and was quashed. There is a further caveat in that judgment by way of an injunction restraining the Secretary General of the Patriotic Front from having another person elected or declared Party President or Presidential candidate.

I have had sight of the record in the earlier case and I observe that that consent judgment still stands.

I must record that there has been lately a flurry of “political cases” before the Courts between members of some political parties over, among other issues, the mode of electing party leaders and their potential candidates for the forthcoming Presidential election. Those cases have been widely reported in both the print and electronic media or online publications. The Plaintiff in this case ought to have been aware of the earlier case I have cited including the result. Therefore, I find that by bringing a separate action on a matter which has already been adjudicated upon by the High Court, the Plaintiff has abused the process of the Court. I further find that allowing this case to proceed any further would “bring the administration of justice into disrepute among right thinking people” (see Lord Diplock’s comments in like cases, in *HUNTER v. CHIEF CONSTABLE OF THE WEST MIDLANDS POLICE* (1982) A.C 529).

In the circumstances, I did not find the need to hear the parties but to make the ruling on my own motion in accordance with the Court’s inherent jurisdiction, particularly because on the face of the record, the matter appeared to be urgent.

This action is therefore dismissed.

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I make no order as to costs, but grant the Plaintiff leave to appeal.

Delivered in Chambers, the 4th day of December, 2014.


I.C.T. Chali
JUDGE