

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

**2013/HP/0966**

**BETWEEN:**

ALFRED MPHALO & 1222 OTHERS

PLAINTIFFS

**AND**

GALAUNIA FARMS (PRIVATE) LIMITED

1<sup>ST</sup> DEFENDANT

THE ATTORNEY-GENERAL

2<sup>ND</sup> DEFENDANT

CHONGWE DISTRICT COUNCIL

3<sup>RD</sup> DEFENDANT



**Before the Hon. Mr. Justice D.Y. Sichinga, SC  
in Chambers at Lusaka on the 23<sup>rd</sup> day of July, 2014**

For the Plaintiffs : Ms. M. Mushipe of Messrs Mushipe and Associates  
For the 1<sup>st</sup> Defendant : Mr. A. Dudhia, Mr. M. Ndalmeta of Messrs Dudhia and Co.  
For the 2<sup>nd</sup> Defendant : No Appearance  
For the 2<sup>nd</sup> Defendant : Ms. T. Bulaka of Messrs Chifumu Banda and Associates

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## **R U L I N G**

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This is the Plaintiffs application for Review of Ruling dated 7<sup>th</sup> October 2013 pursuant to *Order 39 of the High Court Rule Chapter 27 of the Laws of Zambia*; for an Order to amend the Writ of Summons and Statement of Claim pursuant to *Order 20 Rule 5 of the Rules of the Supreme Court 1999 Edition*.

I also note there is an application for stay of execution pending determination of review of Judgment.

The application for Review is supported by an affidavit filed on 22<sup>nd</sup> October 2013, affidavit in Reply dated 5<sup>th</sup> February 2014 and further affidavit filed on the 24<sup>th</sup> February 2014.

The application is opposed to by an affidavit filed by the First Defendant dated 24<sup>th</sup> January 2014; an affidavit filed by the Third Defendant dated 13<sup>th</sup> November 2013 and their skeleton arguments.

I have carefully considered the affidavits in support of this application deposed to by the First Plaintiff, **Alfred Mphalo** and they do not reveal any new facts to the facts that this court had at the time that it considered its Ruling of 7<sup>th</sup> October 2013. In my considered view since the Plaintiffs were relying on the same arguments and facts raised at the time of hearing the Preliminary Issues, the correct course to take would have been to appeal the Ruling.

I will not consider the application for leave to amend statement of claim and writ as I will not proceed to hear this matter at trial.

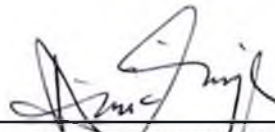
However, I have equally considered the application to stay my Ruling of 7<sup>th</sup> October 2014 and I do not consider that the Plaintiffs have shown any likelihood of success.

For the reasons advanced above, I decline to review my Ruling of 7<sup>th</sup> October 2013, and I equally decline to grant a stay in this matter. The application for Review and for Stay of execution are both dismissed with costs to the Defendants to be taxed in default of agreement.

Leave to appeal to the Supreme Court is granted.

This matter will now be sent to the Judge-in-charge for reallocation.

Delivered this 23<sup>rd</sup> day of July 2014.



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**D. Y. SICHINGA, SC**  
**JUDGE**