

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

2009/HP/0279

BETWEEN:

WELUZANI ZULU



PLAINTIFF

AND

G MARTIN KWANE

1ST DEFENDANT

SP MULENGA INVESTMENTS LIMITED

2ND DEFENDANT

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

**For the Plaintiff : Legal Aid Board
For the 1st Defendants : Messrs C.K.M. & Associates
For the 2nd Defendants: Messrs Kangwa Kapita Advocates**

R U L I N G

This is the 2nd Defendant's application for special leave to review Ruling dated 7th January, 2014 and for an Order for Misjoinder of party to proceedings.

The application is supported by an affidavit filed on the 17th March 2014 and opposed to by an affidavit filed on 30th April 2014.

The gist of the affidavit in support is that this court did not consider the 2nd Defendant's affidavit in opposition termed as an "*Affidavit in reply to the affidavit in support of summons for non-joinder of parties*".

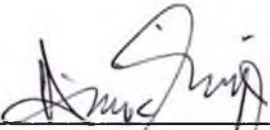
The gist of the affidavit in support is that the 2nd Defendant was not a party to the transaction between the Plaintiff and first Defendant, and that the Plaintiff did not show the 2nd Defendant's interest in the matter.

I have considered the said affidavit filed on the 6th January 2014 together with the affidavit in support and opposition to this application.

The statement of claim raises specific allegations as regards the 2nd Defendant which it must prove at trial on a balance of probabilities. I am thus inclined to decline the application to review my Ruling of the 7th January 2014.

Leave to appeal to the Supreme Court is granted. Costs be in the cause.

Matter is now sent to the Judge-in-charge for reallocation.



D.Y. SICHINGA, SC
JUDGE