

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

**2013/HP/AO14**

**BETWEEN:**

**SHECK LUNGU**

**AND**

**STEVEN MAMBWE**



**Before the Hon. Mr. Justice D.Y. Sichinga, SC in Chambers at Lusaka on  
the 11<sup>th</sup> day of August, 2014**

**For the Appellant: Mr. B. Siachitema**

**Ms. M. Tresha – Messrs Lusito Chambers**

**For the Respondent: No Appearance**

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**RULING**

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There appears to be three pending applications in this matter. The first is an application for restitution of property No. 92/14 Garden Compound pursuant to Order 46 Rule 3 paragraph 2 Rules of the Supreme Court, 1999 Edition. According to submissions by Counsel for the Appellant herein and the affidavit in support filed on 14<sup>th</sup> April, 2014, the Respondent has taken possession of the said property and remains in occupation.

The Respondent did not oppose the application.

I have considered this application and state from the outset that this court held in its Judgment dated 29<sup>th</sup> July, 2013 that the Appellant, SHECK LUNGU had a life interest in the subject property. I thus the grant an Order of Restitution restoring property number 39/2 Garden Compound to the Appellant. The application is granted with costs to the Appellant.

The second application is an application made by the Respondent herein for an Order to stay execution of the Judgment made by this court on 29<sup>th</sup> July, 2013. I have read the affidavit in support of this applicant and considered the averments therein. The subject matter of this litigation is a real estate property which, in the event that the Supreme Court were to revert the property to the Respondent, it would still be in existence. I thus decline to grant a stay of execution of the judgment dated 29<sup>th</sup> July, 2013 with costs to the Appellant.

The third application is one by the Respondent for leave to appeal to the Supreme Court out of time. I have considered the Respondent's affidavit filed on 29<sup>th</sup> January, 2014. There is no basis to deny the Respondent leave to appeal. I accordingly grant the Appellant 30 days of the date hereof to appeal to the Supreme Court.

Delivered in Chambers at Lusaka this 11<sup>th</sup> day of August, 2014



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**D.Y. Sichinga, SC**  
**JUDGE**