

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

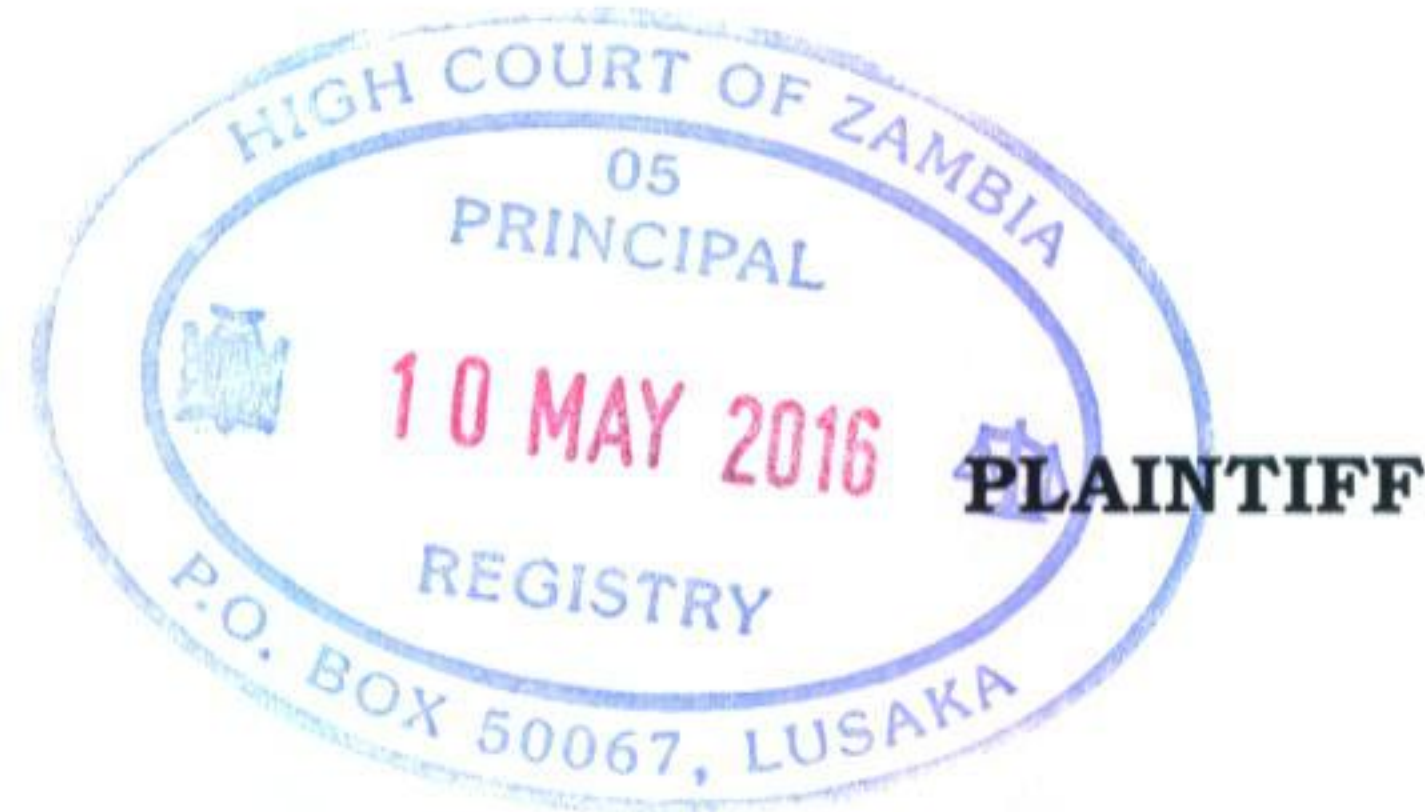
2013/HP/1676

Between:

TANGU NYIRONGO

AND

CACITEX ZAMBIA LIMITED



PLAINTIFF

DEFENDANT

BEFORE : HON. G.C. CHAWATAMA - IN CHAMBERS

For the Plaintiffs : Mr. M. Mukupa- Messrs. Isaacs & Partners

For the Defendant : Dr. Mulwila-Ituna Partners

RULING

This is an appeal against the ruling of Honourable Deputy Registrar delivered on 5th December, 2014. The appellant who is the Defendant in this matter raised four grounds of appeal as follows:

- 1. The Respondent had filed a complaint against the Appellant in the Industrial Relations Court on the 13th March, 2013 based on the same facts and seeking the same relief as she is seeking from this Honourable Court and that the said matter had been dismissed for non-attendance and therefore, the Respondent ought to have applied for the matter to be restored*

- in the Industrial Relations Court or she should have appealed to the Supreme Court as the law provides;*
- 2. The Appellant's intention is not for the Respondent's interests and rights to be disregarded, but rather for the rule of law to be upheld and the hierarchy of the Courts of Zambia to be preserved as provided for in the Constitution of the Republic of Zambia;*
 - 3. The Deputy Registrar erred in fact and in law when he decided in his ruling dated 5th December, 2014 that the Industrial Relations Court has no jurisdiction in this matter and the Respondent has the choice off forum between the Industrial Relations Court and the High Court even when in actual fact the same matter was already dismissed by the Industrial Relations Court;*
 - 4. Article 94(1) of the Constitution is very clear on the Jurisdiction of the Industrial Relations Court and provides, inter alia, that the Industrial Relations Court and High Court stand at equal footing when it relates to labour matters and therefore any appeal from the Industrial Relations Court's decision should lie to the Supreme Court.*
 - 5. Other grounds of appeal shall be submitted to Court at the hearing of this appeal.*

When this matter came up for hearing on 11th November, 2015, I was informed by Counsel for the Appellant that the parties had agreed to file heads of arguments and submissions for me to rule.

I therefore adjourned this matter to 10th December, of instant year for ruling. A perusal of the record shows that only the Respondent has filed their heads of arguments.

I dismiss this appeal for want of prosecution. The parties will be given a notice for setting a trial date, in any case orders for direction were granted as drawn up by the Respondent. The Respondent has since filed their bundles of documents.

Leave to appeal is hereby granted should any party be unhappy with my decision.

DELIVERED AT LUSAKA THIS 10TH DAY OF MAY, 2016.


G.C. CHAWATAMA
JUDGE