

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

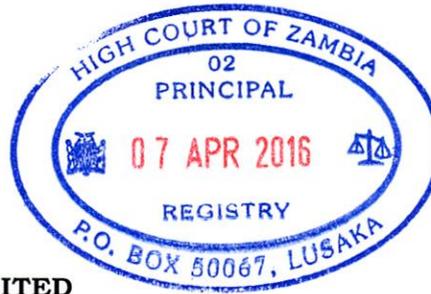
2014/HP/1787

**BETWEEN:**

**MAC RECRUITMENT LIMITED**

**AND**

**CROWN AGENTS SERVICES LIMITED**



**PLAINTIFF**

**DEFENDANT**

**Before the Hon. Mr. Justice E. M. Sikazwe in Chambers.**

*For the Plaintiff: Ms. B. Kasonde – Messrs Tembo, Ngulube & Associates*

*For the Defendant: NONE*

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## **RULING**

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### **Legislation referred to:**

***Order 39 Rule 2 of the High Court Act, Cap 27 of the Laws of Zambia***

This is an application by the Plaintiff for an order for Special Leave to Review the Order of this Court dated 19<sup>th</sup> March, 2015. This matter commenced by way of a Writ of Summons on 12<sup>th</sup> November, 2014. A Notice of Hearing was issued on 18<sup>th</sup> November, 2015.

At the hearing on the 19<sup>th</sup> March, 2015, there was neither attendance from the Plaintiff nor the Defendant and there was no explanation for their absence. This Court accordingly struck out the matter from the Active Cause List with liberty to restore the matter within 30 days.

On 2<sup>nd</sup> September, 2015, Counsel for the Plaintiff filed into court an application for an order for Special Leave to Review this Court's Order

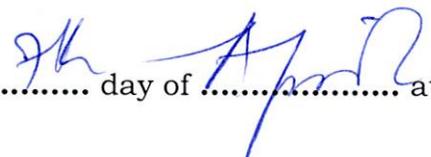
aforesaid. The Application was accompanied by an Affidavit sworn by Abel Tembo. It was deposed in the said Affidavit that on 2<sup>nd</sup> July, 2015, the Plaintiff conducted a search at the High Court Registry and it revealed that the matter had come up for hearing on 19<sup>th</sup> March, 2015.

It was further deposed that the Plaintiff's failure to attend court on the material date was occasioned by the fact that they had not received the Notice of Hearing for the 19<sup>th</sup> March, 2015. When this matter came up for hearing on the 27<sup>th</sup> October, 2015, this Court reserved its Ruling but took notice that the Original File in this matter was not at hand and thus a Temporal Jacket had been created.

Given the circumstances in this matter as highlighted in the preceding paragraphs, this Court shall give the Plaintiff a benefit of doubt and grant the Application for special leave to review the Order of 19<sup>th</sup> March, 2015.

The matter is accordingly restored to the Active Cause List.

Delivered this ..... day of ..... at Lusaka.

  
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**E. M SIKAZWE**  
**JUDGE**