

**IN THE HIGH COURT OF ZAMBIA  
AT THE PRINCIPAL REGISTRY  
HOLDEN AT LUSAKA**  
*(Family Jurisdiction)*



**IN THE MATTER OF: THE ADMINISTRATION OF THE ESTATE OF THE LATE JUSTO CHALUNDA MWALE**

**IN THE MATTER OF: SECTION 19(2) OF THE INTESTATE SUCCESSION ACT CAP 59 OF THE LAWS OF ZAMBIA**

AND

**IN THE MATTER OF: AN APPLICATION FOR AUTHORITY TO SALE PROPERTY SUBDIVISION B LOT 3973/M SITUATE IN LUSAKA FORMING PART OF THE ESTATE OF THE LATE JUSTO CHALUNDA MWALE**

BETWEEN:

**ALEDI CHAKJIWE MWALE**  
*(Suing as Administrator of the Estate of the late Justo Chalunda Mwale)*

**NELLY MWALE  
NAOMI MWALE  
THANDIWE MWALE**



**1<sup>st</sup> APPLICANT**

**2<sup>ND</sup> APPLICANT  
3<sup>RD</sup> APPLICANT  
4<sup>TH</sup> APPLICANT**

**BEFORE HON MRS JUSTICE S. KAUNDA NEWA THIS 19<sup>th</sup> DAY OF April, 2018**

*For the all 4 Applicants: Present*

*For the Respondent : N/A*

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**JUDGMENT**

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This is an action commenced by way of Originating summons pursuant to Section 19(2) of the Intestate Succession Act, Chapter 59 of the Laws of Zambia.

The application is supported by an affidavit sworn by the Applicant who is also the Administrator of the estate of the late **Justo Chalunda Mwale** and her siblings. It is deposed that the late died on 12<sup>th</sup> December 1995, and on 16<sup>th</sup> January 2018, the 1<sup>st</sup> Applicant was appointed Administrator of the estate, as shown on exhibit 'ACM' the letters of Administration issued by the Probate Registry of the High Court.

The Applicants also depose that at the time of his death, the late was married and had four (4) children, and no dependants.


The affidavit also states that there is a property number Sub division B Lot 3973/M Lusaka which the beneficiaries agree should be sold and proceeds shared as shown on exhibit 'ACM2'.

I have considered the matter. Exhibit 'ACM1' the letter of administration shows that the late *Justo Chalunda Mwale* died intestate on 12<sup>th</sup> December, 1995. His estate therefore falls to be distributed in line with the Intestate Succession Act, Chapter 59 of the Laws of Zambia.

The Applicants have applied pursuant to Section 19(2) of the said Act to have the property forming the estate to be sold. The section empowers the Administrator of the estate of sell any property under the estate with the authority of the Court.

The affidavit evidence shows that the four Applicants are the only beneficiaries under the estate. I therefore order that the 1<sup>st</sup> Applicant being the Administrator of the estate shall sell the property under the estate, being B Lot 3973/M Lusaka, and shall share the proceeds equally among the surviving beneficiaries being the four Applicants.

**DATED THE 19<sup>th</sup> DAY OF APRIL, 2018**

  
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**S. KAUNDA NEWA**  
**HIGH COURT JUDGE**