

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

2016/HP/0415



BETWEEN:

BRAFUSS LIMITED

PLAINTIFF

AND

DORAH NAMASIKU LUKUKELA

1ST DEFENDANT

BANK OF ZAMBIA

(INTENDED 2ND DEFENDANT)

PATENTS AND COMPANY

(INTENDED 3RD DEFENDANT)

CORAM: HONOURABLE JUSTICE MR. MWILA CHITABO, SC

For the Plaintiff: N/A

For the Defendants: N/A

R U L I N G

There is application for order of interim injunction. It is supported by an affidavit. The Judge seized of the action is attending criminal sessions in Chipata.

I can only observe the supporting affidavit deposes to extraneous matters not related to the considerations the Court ought to take

into account in exercising its equitable discretion to grant or not grant an injunction.

Most of the paragraphs also offend Order 5 Rule 15 of the High Court Rules Chapter 27 of the Laws of Zambia which provides as follows:-

“an affidavit shall not contain extraneous matter by way of objection or prayer or legal argument or conclusion”

The exparte order for interim injunction has made provision for me to sign the order when I am not the Court seized of the matter. Further, the said drafted order has no provision for the return date of the interparte hearing of the interparte interlocutory application for an injunction.

For the foregoing reasons, I am unable to grant the relief being sought. The plaintiff to be given an opportunity to be heard.

The 1st Defendant is at liberty to reactivate her application by filing interparte summons for an injunction pending the hearing of the action before the Court seized of the matter.

In my view this is not a fit and proper case to grant an injunction exparte.

Dated this 8th day of February, 2018



Mwila Chitabo, SC
Judge