

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



2019/HP/0119

BETWEEN:

WORLD VISION ZAMBIA LIMITED

PLAINTIFF

AND

DR. BECK BANDA

DEFENDANT

Before Honourable Mrs Justice M. Mapani-Kawimbe in Chambers on the 2nd day of March 2020.

For the Defendant: Mr. P. Muya, Messrs Keith Mweemba Advocates

RULING

1.1 The parties filed a consent order to consolidate cause no. 2019/HP/0119 and 2020/HP/0072. Having examined the records in which the order of consolidation is sought, it is clear that the central theme in both causes rests on a claim of the infringement of the SMAG Patent by the defendant, Dr. Beck Banda. In the first cause, the plaintiff alleges that the defendant defamed it and in the second one Dr. Banda is the defendant in the first cause is now the plaintiff and alleges that the defendant, Attorney General infringed his SMAG copy right. In the first cause, the plaintiff claims that the defendant defamed it and it seeks damages for slander. In his counterclaim, Dr.

Banda seeks to be declared as the right owner of the SMAG patent. In the second cause, Dr. Banda is the plaintiff and seeks to be declared as the rightful owner of the SMAG copyright.

1.2 In my view, these matters cannot be consolidated given the parties' positions in the cases. Assuming that it reached that point, can Dr. Beck Banda who is the defendant in the first cause be described as a co-plaintiff or remain as a defendant? In the second cause, would the plaintiff in the first cause, World Vision Zambia Limited be properly described as a defendant? Since consolidation serves to advance the causes of parties without changing their positions in a suit, I find that this is not a proper case for consolidation. I therefore, decline to execute the consent order, which was filed into Court on 18th February 2020.

1.3 The parties should appear before me on 19th March 2020 at 09.20 hours for setting of a trial date in cause no. 2019/HP/0119. Costs are in the cause.

Dated this 2nd day of March 2020.

M. Mapani
M. Mapani-Kawimbe
HIGH COURT JUDGE