

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

**2022/HP/1185**

**BETWEEN:**

**JIMMY CHIFITA PHIRI**

**AND**

**CITIZENS ECONOMIC EMPOWERMENT COMMISSION**



**PLAINTIFF**

**DEFENDANT**

***Before Hon. Mrs. Mary. S. Kalunga-Chibanga-District Registrar  
In Chambers on the 13<sup>th</sup> day of June, 2024.***

*For the Plaintiff: Mr. J. Kayula - Messrs Lewis Nathan Advocates*

*For the Defendant: Mr. M. G. Haakainsi & Mr. E. Ngambi - Messrs L.M. Chambers*

---

## **RULING**

---

**Cases referred to:**

- 1. Mpongwe Farms Limited v. Dar Farms Limited SCZ Appeal No. 208 of 2015*

**Legislation referred to:**

- 1. The Rules of the Supreme Court of England (White Book) 1999 Edition*
- 2. Order 5 (2) of the Legal Practitioners (costs) Order, 2017, SI No. 6 of 2017*

This matter came up for taxation on 17<sup>th</sup> November, 2023 following the Court's Order dated 15<sup>th</sup> June, 2023.

The Bill was taxed in the presence of the parties on a standard basis in accordance with **Order 62 Rule 12 (1) of the Rules of the Supreme Court of England (White Book) 1999 Edition**. The bill was considered item by item and I only allowed costs for reasonably incurred expenses in light of the holding of the Supreme Court in the **Mpongwe Farms v Dar Farms Limited**<sup>1</sup> where the Court held as follows:

*"The taxing master has discretion to allow, to reduce and to disallow any item in the bill of costs. The taxing master must however, exercise such discretion judicially, fairly and reasonably having regard to the complexity of the case... [and] the reasonableness of the costs incurred."*

One of the issues that was observed by the this court was the aspect of charging two Advocates.

In addressing the above issue, reference is made to **Order 5 (2) of the Legal Practitioners (costs) Order, 2017, SI No. 6 of 2017**, which states as follows:

*“where the trial judge certifies that there were sufficient grounds arising out of the nature importance, or the difficulty or urgency of the case, to justify the appearance of two or more practitioners as counsel, the costs allowed in respect of each practitioner shall be taxed in accordance with the scale.”*

Accordingly, in the case in casu, the absence of certification precludes the claim for costs for more than one practitioner before the High Court.

In light of this authority, I hereby state my *Allocator* for costs as follows:

	<b>Disbursements (ZMW)</b>	<b>Profit costs (ZMW)</b>
Page 1	---	5,989.00
Page 2	100	23,738.00
Page 3	100	3,886.00
Page 4	200	3,885.00
<b>Totals</b>	<hr/> <b>400</b>	<hr/> <b>37,498.00</b>

<b>Profit Costs</b>	37,498.00
Add 15% messenger, Petties etc. on <u>Profit Costs</u>	5,624.07
Add Disbursements	<u>400.00</u>
	<b>43, 522.07</b>
Add 10% taxing Fee	<b>4, 352.02</b>
	<b>47,874. 27</b>
Add VAT at 16% of <u>Profit Costs</u>	<b>5,999. 68</b>
<b>Total taxed</b>	<b><u>53,873.95</u></b>

The total amount payable is **ZMW53, 873.95** the taxed bill of costs is on the record and the parties are at liberty to refer to it.

A Certificate of Taxation with respect to the bill of costs shall be issued upon payment of the Taxing Fee of **ZMW 4,352.02** indicated above, which payment shall be sufficiently proved by a Government issued receipt.

Dated at Lusaka, this 13<sup>th</sup> day of June , 2024.

  
**MARY.S.KALUNGA-CHIBANGA**  
**DISTRICT REGISTRAR.**