

## **WHITESON L. SILWAMBA AND KITWE CITY COUNCIL**

SUPREME COURT

MUZYAMBA, J.S.

7<sup>TH</sup> JUNE 2000 AND 5<sup>TH</sup> SEPTEMBER 2000  
(S.C.Z APPEAL NO. 86 OF 2000)

### **Flynote**

Civil Law - Summons under Order XIII - whether action statute barred.

### **Headnote**

The appellant commenced an action against the respondent at Kitwe High Court seeking inter alia damages for breach of contract, defamation of character and false imprisonment. He took out Summons under Order XIII for Summary Judgment. In its affidavit in opposition the respondent averred that the action was statute barred. The learned District Registrar upheld the defence and dismissed the Summons. The appellant appealed to a Judge in Chambers who affirmed the District Registrar's Ruling. The appellant then appealed to the Supreme Court.

### **Held:**

The action was statute barred at the time of commencing the proceedings. Appeal dismissed.

For the Appellant In Person

For the Respondent N/A

### **Judgment**