

IN THE SUPREME COURT OF ZAMBIA
HOLDEN AT LUSAKA
(CIVIL JURISDICTION)

APPEAL NO.86/2000

B E T W E E N:

WHITESON L. SILWAMBA

APPELLANT

AND

KITWE CITY COUNCIL

RESPONDENT

CORAM: SAKALA, CJ, LEWANIKA, DCJ, MUMBA, JS
On 7th March, 2006 and 7th June, 2006

For the Appellant: In Person
For the Respondent: No Appearance

RULING

This is a Notice of Motion by the Appellant pursuant to Rule 78 of the Supreme Court Rules and seeks an interpretation of our judgment that we delivered on 5th September 2000. The motion is supported by an affidavit.

At the hearing of the Motion, the Appellant who appeared in person said that he would rely on his heads of argument and grounds of appeal. A perusal of the heads of argument and grounds of appeal shows that what the

Appellant seeks is not an interpretation of our judgment but rather a review of our judgment. Rule 78 of the Supreme Court Rules provides as follows:

78 Clerical errors by the court or a Judge thereof in documents or process or in any judgment, or errors therein arising from any accidental slip or omission, may at any time be corrected by the Court or a Judge thereof.

We have said in the past that this Rule is meant to correct clerical errors or omissions in our judgments and does not permit us to review our judgments. In any case, we had stated in our judgment, which is the subject of this Motion, that the action by the Appellant was statute barred at the time that the Appellant commenced proceedings. This Motion therefore is totally devoid of merit and we dismiss it accordingly. However, having regard to the circumstances of the Appellant, we make no order as to costs.

E.L. Sakala
CHIEF JUSTICE

D.M. Lewanika
DEPUTY CHIEF JUSTICE

F.N.M. Mumba
SUPREME COURT JUDGE