

**IN THE SUPREME COURT OF ZAMBIA**

**APPEAL NO.14/2014**

**HOLDEN AT NDOLA**

**(Civil Jurisdiction)**

**BETWEEN:**

**AFRIZONE GLOBAL MERCHANTS LIMITED**

**APPELLANT**

**AND**

**BANK OF ZAMBIA**

**RESPONDENT**

**Corum : Hamaundu, Kaoma, and Mutuna, JJS.**

**on 7<sup>th</sup> June 2016**

**For the Appellant : N/A**

**For the Respondent : Dr. L. Kalinde, General Legal Counsel, and  
Mr. C. Mweemba, Legal Officer – Bank of  
Zambia, Respondent**

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**R U L I N G**

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**Mutuna, JS delivered the Ruling of the court**


This is an appeal against the decision of the Learned High Court Judge sitting at Lusaka, in which he discharged the order of injunction that was granted to the Appellant. The notice of appeal and memorandum of appeal in respect of this appeal, were both filed on 2<sup>nd</sup> August 2013. A perusal of these two documents reveals that they

were endorsed by the Appellant company. A perusal of the record of appeal reveals that the ex-parte summons for the interlocutory injunction in the court below, was also endorsed by the Appellant company. The view we take is that it contravenes the practice in this court and the court below. Order 6 rule 5 subrule 3 of the **white book** provides that a body corporate can sue only by a solicitor. The effect of this is that, an entity such as the Appellant, which is a body corporate, can only institute proceedings through counsel. The notice of appeal in this matter, which is the originating process, along with the memorandum of appeal, are both endorsed by the Appellant. This is contrary to the order we have referred to. As such, we find that this appeal is incompetent on the basis of the manner in which it was commenced. We accordingly dismiss it.

Delivered at Ndola this 7<sup>th</sup> day of June 2016

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**E.M. HAMAUNDU**  
**SUPREME COURT JUDGE**

  
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**R.M.C. KAOMA**  
**SUPREME COURT JUDGE**

  
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**N.K. MUTUNA**  
**SUPREME COURT JUDGE**