

IN THE SUPREME COURT OF ZAMBIA
HOLDEN AT LUSAKA
(Civil Jurisdiction)

APPEAL NO.92/2015

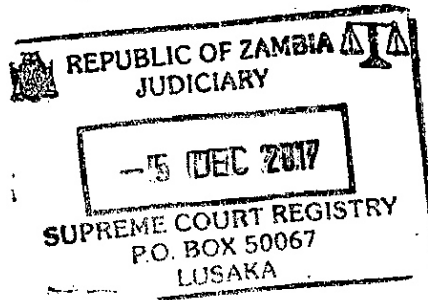
BETWEEN:

IREEN MULENGA

AND

LUSAKA WATER AND SEWARAGE

COMPANY LIMITED



APPELLANT

RESPONDENT

CORAM: Hamaundu, Kabuka and Chinyama, JJS.

On 5th December, 2017

For the Appellant : Not present (filed notice of non-attendance)

For the Respondent : Not present (filed notice of non-attendance)

JUDGMENT

HAMAUNDU, JS, delivered the Judgment of the Court.

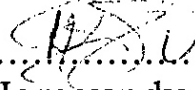
We have considered this appeal and have come to the conclusion that it ought to be dismissed summarily for being incompetent.

The following are the reasons:

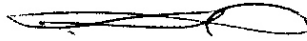
The appellant applied before the Deputy Chairman of the Industrial Relations Court for extension of time to lodge her proposed complaint for wrongful dismissal. The Deputy Chairman granted the application and gave her 7 days in which to do so. The appellant did not lodge her proposed complaint within those 7 days. This prompted the Deputy Chairman to dismiss the application altogether. Instead of appealing against the order of dismissal or applying to set it aside, the appellant applied to the Deputy Chairman for a further extension of the 7 days that had lapsed. When that application was refused, the appellant appealed to the full bench of the Industrial Relations Court. That appeal failed. Hence the appellant has now come before us.

We hold the view that it was not competent for the appellant to proceed to apply to extend the period to 7 days that had lapsed without taking any step to set aside the order that dismissed the application. Hence, in our view, all the steps that were undertaken by the appellant after the dismissal, leading up to this appeal, are incompetent.

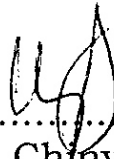
This appeal, therefore, stands dismissed. The parties will bear their own costs.



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E. M. Hamaundu
SUPREME COURT JUDGE



.....
J. K. Kabuka
SUPREME COURT JUDGE



.....
J. Chinyama
SUPREME COURT JUDGE