

CAZ/08/44/2022

Form XVIII  
(Order X rule 3(11))

**MEMORANDUM OF APPEAL**

**IN THE COURT OF APPEAL  
HOLDEN AT LUSAKA  
(Civil Jurisdiction)**

**APPEAL No.**

**BETWEEN:**

**GULF ADVENTURE LIMITED  
LAKE AGRO INDUSTRIES LIMITED**

**AND**

**KASANKA TRUST LIMITED**

**ETSON MWEWA** (*Suing as Chairperson for  
Mapepala community Forest Management Group*)

**LEFAI MUKOSHA** (*Suing as Chairperson for  
Nabowa Community Forest Management Group*)



**1<sup>ST</sup> APPELLANT  
2<sup>ND</sup> APPELLANT**

**1<sup>ST</sup> RESPONDENT**

**2<sup>ND</sup> RESPONDENT**

**3<sup>RD</sup> RESPONDENT**

The above named Appellants (Who were the 1<sup>st</sup> and 2<sup>nd</sup> Defendants in the Court below), appeals to the Court of Appeal against the entire Ruling of the Court below dated the 25<sup>th</sup> day of January, 2022 in the above mentioned matter on the following grounds:

**GROUNDS**

1. The Learned Judge in the Court below erred in fact and in law when he found that the Plaintiffs (the Respondents herein) do not have to prove that damage is being occasioned to the environment by the 1<sup>st</sup> and 2<sup>nd</sup> Defendant's activities.
2. The learned Judge in the Court below erred in fact and in law when he held in his ruling that the granting of the injunction will not act as a device by which the Plaintiffs can attain or create new conditions favourable to themselves.

3. The Learned Judge in the Court below made an unbalanced evaluation of evidence and fell in grave error by not maintaining the status-co in favour of the 1<sup>st</sup> and 2<sup>nd</sup> Defendants in the Court below.
4. The Plaintiff in the Court below did not make a full and frank disclosure of material facts.

Dated at Lusaka this ..... day of ..... 2022

Filed for the Appellant by:

**Messrs. Mulilansolo Chambers, Mulilansolo House, 1 Kabinga Road, P.O. Box 71598, NDOLA, Email: info@mulilansolo.com**

To: The Master of the Court of Appeal  
The Registrar of the High Court at Lusaka  
The Respondent to the appeal

(Name) **Messrs. Muyatwa Legal Practitioners**

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Filed at Lusaka this ..... day of ..... 2022

REGISTRAR OF THE HIGH COURT

Per:

Messrs Mulilansolo Chambers  
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Advocates for the Appellants



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**AND**

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**2<sup>ND</sup> RESPONDENT**

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**3<sup>RD</sup> RESPONDENT**

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Advocates for the Appellants