

**IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA**
(Civil Jurisdiction)

2021/HP/1280

BETWEEN:

KASANKA TRUST LIMITED

1ST PLAINTIFF

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

2ND PLAINTIFF

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



3RD PLAINTIFF

AND

ABDULAZIZ AHMED MUHAMED

1ST ALLEGED CONTEMNOR

GULF ADVENTURE LIMITED

2ND ALLEGED CONTEMNOR

LAKE AGRO INDUSTRIES LIMITED

3RD ALLEGED CONTEMNOR

***Before Hon. Mr. Justice C. Kafunda in Chambers at Lusaka the 22nd
day of March, 2023***

For the Plaintiffs: M. Batakathi Muyatwa Legal Practitioners

*For the 1st & 2nd Defendants: A. Kasolo, N. Kamanga, J.B Sakala of
Mulilansolo Chambers*

For the 3rd Defendant: B. Matandiko – In House Counsel

RULING

Cases referred to:

- 1. *Attorney General v Times Newspaper Limited* [1973] 3 All ER 54;**
- 2. *Deborah Building Equipment v Scaffco*;**
- 3. *Director General of Fair-Trading v Buckland* [1990] 1 WLR 920**
- 4. *Enock Kavindele and Another v Bologna Properties and Another* 2013/HP/0196.**

Other works referred to:

- 1. *The Electronic Communications and Transactions Act No. 4 of 2021*; and**
- 2. *The Rules of the Supreme Court of England, 1999 Edition (White Book)*.**

This is an application for leave to commence committal proceedings for contempt of court and to issue a writ of sequestration against a body corporate. The application is supported by an affidavit, jointly sworn by one Christopher Chisula C. K. Kangwa and one Brian Chilambe, as well as skeleton arguments.

It was deposed that by a Ruling of this court dated 25th January 2022, the Plaintiffs were granted an order of interim injunction restraining the 2nd and 3rd Alleged Contemnors from *inter alia* any

further cutting of trees, clearing vegetation and construction works. Further, that despite the aforesaid Ruling of the court, the 2nd and 3rd Alleged Contemnors have continued to cut down trees, clear vegetation and undertake further activities and developments on the land.

Exhibited in the affidavit are photographs of the aerial view showing the land use changes between January to April, 2022, as well as a video footage showing an aerial view of land use changes as at 19th August, 2022.

The Plaintiffs stated in the skeleton arguments that the application is premised on **Order 52 Rule 2 (2) and Order 46 Rule 5 (1) of the Rules of the Supreme Court of England (White Book) 1999 Edition (“RSC”)** which provide as follows:

Order 52 Rule 2 RSC

(1) No application to a Divisional Court for an order of committal against any person may be made unless leave to make such an application has been granted in accordance with this rule.

(2) An application for such leave must be made ex parte to a Divisional Court, except in vacation when it may be made to a judge