





Quite rightly, Mr Makala, learned Counsel for the Respondent, did not file an affidavit in opposition, but filed a Notice to Raise a Preliminary issue. In the Notice to Raise Preliminary issue, Mr. Makaka pointed out that the prayer sought in the Motion is that the court should review its judgment when the court has no jurisdiction to do so.

At the hearing of the Notice of Motion, the Appellants and their Counsel did not appear. Dr Soko, learned Counsel for the Appellants, filed Notice of Non Appearance and written heads of argument. Mr. Makala, learned Counsel for the Respondent, appeared and filed written heads of arguments and addressed us orally.

In the view we take of this Motion, we do not find it necessary to restate the written heads of argument and the oral submissions by Mr. Makala and the written heads of argument filed by Dr Soko. Suffice it to say that we have given the submissions our careful consideration. As Mr. Makala rightly submitted, this Notice of Motion is in effect an invitation to us to review and upset our final judgment. This Notice of Motion has nothing to do with clerical error, or accidental slip etc. The Judgment is clear. As we have said, the matters raised are actually a challenge of the correctness of our judgment. This Notice of Motion should not have been brought at all and it is a total abuse of court process as it has nothing whatsoever to do with Rule 78, which is our slip Rule. Counsel for the Appellants must incur our censure for bringing this Motion which even one



who has a cursory look at Rule 78 cannot imagine bringing to court.

The Notice of Motion has no merit in it and we dismiss it with costs to the Respondent to be agreed upon and, in default, to be taxed.



E. L. SAKALA  
**CHIEF JUSTICE**



F. N. M. MUMBA  
**SUPREME COURT JUDGE**



PETER CHITENGI  
**SUPREME COURT JUDGE**

