

**IN THE SUPREME COURT OF ZAMBIA  
HOLDEN AT LUSAKA  
(CIVIL JURISDICTION)**

**APPEAL NO. 160/2009**

**BETWEEN:**

**ERNEST CHIBULI & 2 OTHERS**

**APPELLANTS**

**AND**

**BATA SHOE COMPANY LTD**

**RESPONDENT**

**Coram: Mwanamwamba DCJ, Kaoma and Hamaundu JJS**

**On the 10<sup>th</sup> October 2013 and 28<sup>th</sup> August, 2015**

**For the Appellants: In person**

**For the Respondent: Mr Kabwita Kanswata, Messrs Christopher Russell  
& Co**

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## **RULING**

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**HAMAUNDU, JS, delivered the Ruling of the Court**

This is an appeal by the appellants against a judgment of the Industrial Relations Court which dismissed their Complaint challenging their termination of services.


At the hearing of the appeal, on the 10<sup>th</sup> October, 2013, the appellants did not appear, having filed a Notice of Non-Appearance.

The respondent however was represented by counsel who raised a preliminary issue that the appellant's appeal could not be

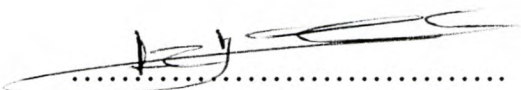
heard because they had not complied with the order for payment for security for costs. At that time, we did not have the order referred to on record. We have since been furnished with that Order which was made by this Court and dated 22<sup>nd</sup> October, 2009. According to that Order, the appellant's were required to pay the sum of K17million old currency as security for costs before the hearing of the appeal. There is no evidence on record that the appellant's have complied with that Order. Therefore, the application herein should not have been listed for hearing. The same is hereby struck off the cause list pending payment of the Security for Costs.

We make no order as to costs for the sitting of 10<sup>th</sup> October, 2013.

Dated the .....day of .....2015

  
**M.S. Mwanamwamba**  
**ACTING DEPUTY CHIEF JUSTICE**

  
.....  
**E.M. Hamaundu**  
**SUPREME COURT JUDGE**

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