

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



2017/HP/2010

IN THE MATTER OF: STAND NO 1133 CHELSTONE, LUSAKA

AND

**IN THE MATTER OF: THE LANDS AND DEEDS REGISTRY ACT, CHAPTER
185 OF THE LAWS OF ZAMBIA, SECTIONS 76 (1) &
81(1)**

AND

**IN THE MATTER OF: ORDER VI (2) AND XXX (11) OF THE HIGH COURT
RULES CHAPTER 27 OF THE LAWS OF ZAMBIA**

BETWEEN:

STEPHEN JERE

APPLICANT

AND

ANGELA SABE SIAMUUZWIDE

RESPONDENT

**BEFORE HON MRS JUSTICE S. KAUNDA NEWA THIS 9th DAY OF
FEBRUARY, 2018**

For the Applicant : Mrs P. Munthali, C.L. Mundia and Company

For the Respondent : No appearance

J U D G M E N T

CASES REFERRED TO:

- 1. Construction and Investment Holdings Ltd V William Jacks and Co (Zambia) Ltd 1972 ZR 66**
- 2. Lenton Holdings Limited V Airforce Moyo 1984 ZR 55**
- 3. Rural Development Corporation Ltd V Bank of Credit Commerce (Z) Ltd 1987 ZR 35**
- 4. Annette Chilima V Peter Chilima SCZ No 22 of 2000**

5. *Chibwe V Chibwe SCZ No 38 of 2000*
6. *Sobek Lodges Limited V Zambia Wildlife Authority 2008/HP/668*
7. *Bonaventure Kalulu V Bertonotti Angelo 2013/HP/1721*

LEGISLATION REFERRED TO:

1. *The High Court Rules, Chapter 87 of the Laws of Zambia*
2. *The Lands and Deeds Registry Act, Chapter 185 of the Laws of Zambia*

This action was commenced by way of Originating Summons on 17th November, 2017, pursuant to Order VI (2) and Order XXX (11) of the High Court Rules, Chapter 27 of the Laws of Zambia, in which the Applicant claims;

- i. *An order that the Respondent shows cause why the caveat placed on Stand No 1133, Chelstone in Lusaka should not be removed on account of the fact that the Respondent is not entitled, and has no beneficial interest in the said property.*
- ii. *An order for the removal of the caveat placed on Stand No 1133, Chelstone, Lusaka, upon the failure by the Respondent to show the requisite cause why such should not be removed.*
- iii. *Further or other relief that the court may deem fit.*
- iv. *Costs of and incidental to the application.*

The affidavit filed in support of the originating summons which was sworn by the Applicant, shows that Stand No 1133, Chelstone, Lusaka was owned by Sundiah Mbelenge Siamuuzwide as reflected by the certificate of title exhibited as 'SJ1' to the affidavit. That the Applicant purchased the said property from Sundiah Mbelenge Siamuuzwide, as shown by the contract of sale executed between the said parties, which was exhibited as 'SJ2' to the affidavit.

Paragraph 7 of the affidavit states that the Applicant paid the purchase price in full, and the same was evidenced by the acknowledgement exhibited as 'SJ3', and that the parties executed an assignment of the property, which was exhibited as 'SJ4'. The Applicant in paragraphs 9 and 10 of the affidavit avers

