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**MEDIA CASE SUMMARY**

**This media summary note is intended to assist the media in reporting and to help the general public better understand Court Judgments. It is not intended for use in any legal proceedings**.

Link to Full Judgment: <https://zambialii.org/zm/judgment/high-court-zambia/2022/2>

**Kasanka Trust Limited and others v Gulf Adventure Limited and Others**

**Media Neutral: [2022] ZMHC 2**

The Court considered an application for an interim injunction (a temporal court order requiring a party either to do a specific act or refraining a party from doing a specific act/action pending the determination of the main matter). The application was directed at the Defendants to restrain them from cutting down trees, cultivating crops, abstraction of water from the Luwombwa River, construction works, fencing off or further developments in the Kafinda Game Management Area.

The Court found that the Plaintiff did not have to prove that damage was being occasioned to the environment by the Defendants’ activities. They stated that it would be wiser to restrain ongoing activity rather than risk irreparable damage to the environment.

The Court held that on account of the alleged damage to the environment and further possible damage whose consequences or injury may be irreparable, the balance of convenience in this case laid heavily in favour of granting the injunction.

Additionally, the Court held that the granting of the injunction to the Plaintiffs would not act as a device by which the Plaintiffs can attain or create new conditions favourable to themselves but that an injunction would have the effect of protecting the environment from any further damage.

Furthermore, the Court held that the Plaintiffs were entitled to an order for an interim injunction until the rights of the parties have been properly and finally determined by the court.

The application was granted.