

**IN THE SUPREME COURT OF ZAMBIA** Appeal No.39/2000  
**AT NDOLA**

(CIVIL JURISDICTION)

B E T W E E N:

**CHIBULUMA MINES PLC**

Appellant

AND

**CHRISTOPHER SIMWABA AND 27 OTHERS**

Respondent

CORAM: Ngulube CJ., Chirwa and Chibesakunda JJs.

On 7<sup>th</sup> June, 2000

For the Appellant Mr. C. Chanda of Lloyd Jones and Collins

For the Respondent Mr. B. Mazumba from Forrest Price and  
Company

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**R U L I N G**

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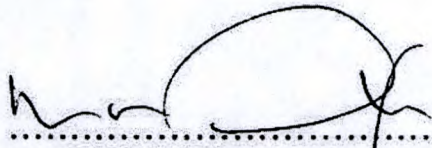
Ngulube CJ. Delivered the Ruling of the court.

Mr. Mazumba for the respondent has taken a preliminary  
objection to this appeal before us this morning. It has been pointed

out that under the relevant Section of the Supreme Court of Z  
Act and the Rules no appeal lies to this court from a decision of  
High Court Judge exercising appellate jurisdiction without the leave  
of that Judge or if it is refused the leave of this court. Mr. Chanda  
for the proposed appellants has conceded that to date he does not  
have leave to appeal but he informs us that there is pending  
somewhere an application for such leave. He submitted that this  
court should exercise some kind of inherent jurisdiction in order to  
do justice on the merit.

We have considered this matter both upon the notice which  
was given and upon hearing Counsel and we have no doubt that  
perhaps one day this court will come and examine the merits of the  
appeal when and if the matter will be properly before us.  
Meanwhile the court while wishing to resolve matters on merit also  
wishes to uphold the law which prohibits appeals from an appellate  
decision of the High Court without leave obtained there or if refused  
here. There is no inherent power as suggested to ignore the law.  
The lesser mischief it seems to us is to strike out this premature

appeal and leave it to the proposed appellant to do the needful. The objection is sustained with costs to be taxed if not agreed.



M.M.S.W. Ngulube  
**CHIEF JUSTICE**



D.K. Chirwa  
**SUPREME COURT JUDGE**



L.P. Chibesakunda  
**SUPREME COURT JUDGE**