

IN THE SUPREME COURT OF ZAMBIA

APPEAL NO. 133 OF 1996.

HOLDEN AT LUSAKA.

WHITESON L. SILWAMBA

VS.

KITWE CITY COUNCIL

CORAM: BWEUPE DCJ., SAKALA and Muzvamba JJS.,  
ON 16TH DECEMBER, 1996 AND 5TH MARCH, 1997.

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JUDGMENT

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BWEUPE, DCJ., delivered the judgment of the court.

This is an appeal against a decision of the High Court refusing the Appellant's application to transfer the case to be heard by a judge at Lusaka in Chambers. The short history of this case is that the Appellant had appealed to the High Court against a decision that his case was statute barred before the case was argued. The Appellant asked the Court to transfer the case to Lusaka. That application was refused, but the Judge did not hear the original appeal.

We have considered this appeal and it is our view that there was no good ground for the matter to be transferred to Lusaka. However, as the original appeal was not heard, we order that the appeal should be heard in Kitwe by another Judge.

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B. K. BWEUPE  
DEPUTY CHIEF JUSTICE

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E. L. SAKALA  
SUPREME COURT JUDGE

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W. M. MUZYAMBA  
SUPREME COURT JUDGE