

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

2019/CCZ/0019

BETWEEN:

JOHN MWANSA KALINDE & 40 OTHERS	PETITIONERS
THE STATE OF ZAMBIA CONSTITUTIONAL COURT OF ZAMBIA	
AND	
CAVMONT BANK ZAMBIA LIMITED	RESPONDENT
REGISTRY 1 P O BOX 50007, LUSAKA	

CORAM: Sitali, Munalula, and Musaluke JJC. on 20th October, 2020

For the Petitioners:

**Mr. J. C. Kalokoni of Messrs
Kalokoni & Co**

For the Respondent:

**Mr. P. G. Katupisha of Milner & Paul
and Mrs. M. N. Mumba of Musa
Dudia & Co**

RULING

Musaluke, JC, delivered the Ruling of the Court

We have heard the application by the Petitioners' Counsel in which he is seeking leave of this Court to file additional arguments on the amended Petition appearing at page 639 of the Record of Proceedings. In his submissions, Counsel for the Petitioners alleges that when this Court brought to the attention of the parties the jurisdictional issues concerning the reliefs sought by the Petitioners, the Court did not address its mind to the amended petition appearing at page 638 of the record of

Proceedings but that the Court concentrated on the original petition appearing at page 5 of the record of Proceedings.

This application has been opposed by the Respondent who state that the Court had in fact taken cognisance of the entire pleadings when at its own motion it questioned the jurisdiction of the Court to determine the claims in the petition premised on whether or not they raised constitutional issues.

We have examined the application before us. When we sat on 17th September, 2020, we informed the parties that we had read the record of proceedings and in terms of Article 128(1)(e) of the Constitution as amended, we needed to determine whether this matter falls within the jurisdiction of this Court. We invited Counsel for the Petitioners to specifically point out to the Court which aspects of the petition before us raised constitutional issues. We did not restrict Counsel in his submissions to comment only on the original petition. Counsel on both sides addressed us.

We are fully aware of the pleadings that are before us and we in fact read the entire record including the amended petition. It was

for this reason that we, on our own motion, questioned the jurisdiction of the Court to determine the matter before us and invited Counsel to address us on that aspect.

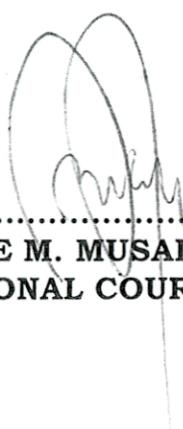
The decision of that inquiry from us is pending a ruling. It is therefore, not true that we did not address our mind to the amended petition. It is rather mischievous for Counsel for the Petitioners to indirectly allege that this Court did not read the entire record when it brought up the issue of jurisdiction. We frown upon such conduct by Counsel and we hope that Counsel will not in future engage himself in such potentially contemptuous behaviour.

Having said that, the application by Counsel for the Petitioners has no limb to stand on and it is dismissed with costs to the Respondent.



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**JUSTICE A. M. SITALI
CONSTITUTIONAL COURT JUDGE**

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**JUSTICE M. M. MUNALULA
CONSTITUTIONAL COURT JUDGE**



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**JUSTICE M. MUSALUKE
CONSTITUTIONAL COURT JUDGE**