

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

2023/HP/____

BETWEEN

MYRA BANDA

PLAINTIFF

AND

BEN NACHIHULU

FIRST DEFENDANT

KACHEPA ENTERPRISES LIMITED

SECOND DEFENDANT

STATEMENT OF CLAIM

1. The Plaintiff was at all material times a Legal Manager at El’Dinero Bank of Zambia.
2. The First Defendant is and was at all material times a Director at Kachepa Enterprises Limited also known as Kachepa News, a newspaper with a wide circulation throughout Zambia.
3. The Second Defendant is and was at all material times a company incorporated in Zambia, a publisher of a Newspaper with wide circulation throughout the Republic of Zambia.
4. On or about 9th November 2022, the First Defendant issued a directive to the media personal of the Second Defendant to publish some stories and news.
5. On 11th November 2022, the Second Defendant falsely and maliciously published of and concerning the Plaintiff defamatory remarks in relation to the Plaintiff’s academic and career life.
6. The Second Defendant falsely and maliciously caused to be printed and published the defamatory remarks knowing that the remarks were untruthful by their very nature.

PARTICULARS OF LIBEL

7. In the Kachepa News dated 11th November 2022, the Second Defendant maliciously and falsely published the following words of the Plaintiff:

“A well-known Legal Manager at El’Dinero Bank Zambia has maliciously risen her ranks through the life and the Bank. Life has a funny way of eventually catching up with dubious deeds and ways. This Legal Manager cheated her way through University by hacking the I.T System of the University and changing her grades every semester.

Additionally, this Legal Manager paid an individual to carry out her research and typed out her dissertation. It is shameful to think that this Manager is now being applauded as someone of valued and ethics, when that has never been the case. More details to be revealed. Stay buying Kachepa Newspapers.”

8. The said words by their ordinary and natural meaning meant and were understood to mean that the Plaintiff is a dishonourable person, who obtained academic qualifications through fraudulent malpractices.
9. The said words in their ordinary and natural meaning further meant and were understood that the Plaintiff is not capable of holding any office as an employee as she is not competent and qualified to do so.
10. As a result of the said publication, the Plaintiff has in consequence been seriously injured in her character and reputation and has been brought into public scandal, odium and contempt.
11. AND the Plaintiff claims against the Defendants and each of them;
 - i. Damages
 - ii. An injunction to refrain the Defednats whether by themselves, their servants or agents or otherwise from further publishing or causing to be published or printed or distributed any words which are defamatory of the Plaintiff
 - iii. A published apology
 - iv. Costs
 - v. Any other relief the court may deem fit.

Dated this ----- day of ----- 2023

Settled by Counsel of:

Mtetwamweene Advocates

Plot No.22 Leopards Hill Road

Lusaka

Tel No: 26021155721

Email: Mtetwamweene@gmail.com

Advocates for the Plaintiff

To: The First and Second Defendant

(Insert addresses)

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