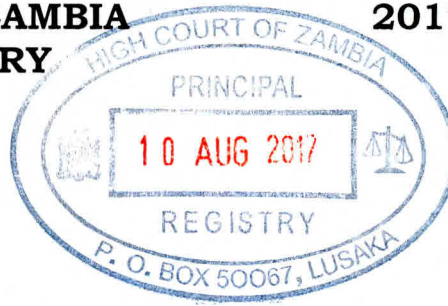


**IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA**
(Civil Jurisdiction)

2017/HP/0504



B E T W E E N:

CONTINENTAL GRAINS TRADING LIMITED

PLAINTIFF

AND

LAYBON MUDENDA

DEFENDANT

**Before Honorable Mrs. Justice M. Mapani-Kawimbe in Chambers on the
10th August, 2017**

For the Plaintiff : Mr. F. Chombo, Messrs Chombo and Partners

For the Defendant : Mr. G. Miti, Messrs L.M Chambers

R U L I N G

Case Authorities Referred To:

1. *Mbikusita Lewanika and Others v Chiluba and Others (1998) ZR 79*
2. *Jamas Milling Company Limited Vs Imex International (Pty) Limited 2002 Z.R 79*
3. *Walusiku Lisulo Vs Patricia Anne Lisulo (1998) ZR 75*
4. *Zambia Telecommunications Company Limited Vs Mulwanda and Ngandwe SCZ/8/63/2009*

Legislation Referred To:

1. *High Court Act, Chapter 27*

This is the Defendant's application for review of the judgment on admission dated 26th May, 2017. It is filed pursuant to Order 39 of the High Court Rules and is supported by an Affidavit.

The Affidavit in Support is sworn by **Laybon Mudenda** who deposes that the Plaintiff sued him for the sum of K109, 627.50. He states that after receiving the originating process, he filed a Memorandum of Appearance and Defence on 20th April, 2017. That at the time of filling his Defence, he had not sought any legal representation, hence the statements made in lay man's language.

The deponent states that the Court entered a Judgment on Admission in favour of the Plaintiff on 26th May, 2017 based on his Defence. He states that he supplied the Plaintiff about 20 truckloads of maize at his own expense in sometime in December 2015. That after supplying the maize, Mr. Nyati the Company's director told the deponent to supply more maize in return of a commission of soya beans. The deponent avers that he entered into a written contract with the Plaintiff wherein it agreed that he would be paid K36,000 for supplying 562.5 x 50kg bags of white maize. He avers that he never agreed with the Plaintiff that he would accept a

