

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

2016/HP/0717



B E T W E E N :

FRANCIS MULONGOTI

PLAINTIFF

AND

GODFREY ZEWELANJI SINGOYI

DEFENDANT

**Before Honorable Mrs. Justice M. Mapani-Kawimbe in Chambers on the
29th day of November, 2017**

*For the Plaintiff : Mr. E.B.M. Mwansa, SC, Mwansa Phiri Shilimi & Theu
Legal Practitioners*
For the Defendant : In Person

R U L I N G

Legislation Referred To:

1. *High Court Act, Chapter 27*

This is the Plaintiff's application for an order of attachment of real property. It is made pursuant to Order 42 Rule 3 of the High Court Rules. It is supported by an Affidavit sworn by **Francis Mulongoti**, who states that the Defendant fraudulently caused him

to purchase a house he did not own and was subsequently convicted of fraud. That upon his release from prison, the deponent took out this action against him.

The deponent avers that he served the Defendant Court process but he did not enter appearance nor file a defence. That Judgment in default was entered against the Defendant on 31st August, 2016. The deponent states that he levied execution of the Judgment debt by way of writ of fieri facias filed into Court on 21st October, 2016. That the Sheriff levied execution on the Defendant's personal property and chattels, but could not satisfy the judgment sum shown in the exhibit marked "**FM1**."

The deponent also avers that he has information that the House No. 11088, Zani Muone, Great North road, Lusaka, belongs to the Defendant. This is according to the ZESCO bill issued in his name and exhibited as "**FM2**". The deponent states that his Advocates have advised him that it is lawful to levy execution on the Defendant's real property where his personal and movable assets are unable to satisfy the judgment debt. He prays to the Court to

