

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

2007/HP/0504

BETWEEN:

STANCOM TOBACCO SERVICES LIMITED

AND

PAG SHERIFF LIMITED

**MAHESHKUMAR PATEL (sued as joint
Liquidator of Sherdown Cropping Limited)**

**NEWTON LUNGU (sued as joint Liquidator
Sherdown Cropping Limited)**

SHERDOWN CROPPING LIMITED

(IN LIQUIDATION)



PLAINTIFF

1ST DEFENDANT

2ND DEFENDANT

3RD DEFENDANT

4TH DEFENDANT

Before: E. M. Hamaundu, J.

For the Plaintiff : Mr E. Mwitwa, Messrs Musa Mwenye
Advocates
For the 1st Defendant: Mr M. Z. Mwandenga, Messrs M. Z
Mwandenga & Co
For the 3rd Defendant: Mr N. Sampa, Messrs Mumba Malila & Co

JUDGMENT

The plaintiff claims the sum of US\$248,534.68 from the 1st and 4th defendants, together with interest at 10% per annum from the

date the sum fell due. The plaintiff also seeks a declaration that it is the legal holder of a charge over all farm, plant and machinery, vehicles, livestock and crops on farm 9235 belonging to the 1st defendant and that the 2nd and 3rd defendants have no right to remove that security. The plaintiff, alternatively, seeks to take possession of the farm and sell it together with movable and immovable property thereon in order to recover the sum owed. The plaintiff seeks an injunction restraining all the defendants from removing any plant and machinery from the farm. As against the 2nd and 3rd defendants, the plaintiff seeks a mareva injunction compelling them to return the machinery, livestock and crops they removed from the farm.

According to the statement of claim, the plaintiff, which has since changed its name to Alliance One Zambia Limited, is in the business of buying and selling tobacco as well as providing agricultural finance. In June, 2004, the plaintiff lent the 1st defendant a sum of US\$37,500.00. Again, in December, 2004, the plaintiff lent the 1st defendant a sum of US\$165,000.00. The 1st defendant provided some security for these sums of money. In April, 2005, the plaintiff had started advancing funds to the 4th defendant

