

**IN THE HIGH COURT FOR ZAMBIA**

**2012/HPC/0191**

**AT THE COMMERCIAL REGISTRY**

**HOLDEN AT LUSAKA**

**(Civil Jurisdiction)**



**BETWEEN:**

FINANCE BANK ZAMBIA LIMITED

APPLICANT

**AND**

SOUTHERN AFRICAN TEACHERS'

DEVELOPMENT COLLEGE LIMITED

1<sup>ST</sup> RESPONDENT

SILVERSTER MUSA LAMBA KUNDA

2<sup>ND</sup> RESPONDENT

LYDIA GAVIYANO KUNDA

3<sup>RD</sup> RESPONDENT

**Before the Hon. Lady Justice Irene Zeko Mbewe**

*For the Applicant* : *Mr. M Moonga of Messrs Tembo, Ngulube and Associates*

*For the Respondents* : *N/A*

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## **R U L I N G**

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### **Cases Referred To:**

1. *New Plast Industries v The Commissioner of Lands and Attorney-General SCZ Judgment No 8 of 2001*

**Legislation Referred to:**

1. *High Court Rules, Cap 27 of the Laws of Zambia.*

This is the Respondents' application to set aside the Ruling setting aside the Order staying execution made pursuant to **Order 35 Rule 5 High Court Rules, Cap 27 of the Laws of Zambia.**

The accompanying affidavit dated 7<sup>th</sup> February 2017 is deposed to by Humphrey Hlazo Ndhlovu the Advocate seized with conduct of the matter. According to the deponent, on 17<sup>th</sup> December 2012 this Court granted the Respondents' leave to appeal against its Judgment so as to have the matter sent back for an assessment or reconciliation of the balance or amount owing to the Applicant. That when the appeal came up, the parties were engaged in discussions to enter a possible Consent Order so that the matter of the amount claimed is assessed by the Deputy Registrar. That it was agreed that execution of the Judgment would be stayed until the assessment was made. That a Consent Order was sent to the Respondents' Advocates but was misplaced, and in the meanwhile, Counsel for the Applicant made an application to discharge the Order staying execution and for possession of the property in

