

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

1999/HP/1570



B E T W E E N :

KAYUNI SOCIAL SERVICES DEVELOPMENT
ASSOCIATION

PLAINTIFF

AND

THE ATTORNEY GENERAL
MUBILA SIANYAMA MWILU

**1ST DEFENDANT
2ND DEFENDANT**

IN THE MATTER OF:

**ORDER XLIII, RULE 1 OF THE HIGH
COURT RULES, CAP 27 OF THE LAWS
OF ZAMBIA**

IN THE MATTER OF:

**AN APPLICATION FOR
INTERPLEADER**

AND

IN THE MATTER BETWEEN:

THE SHERIFF OF ZAMBIA
HAMAANGABA MOOMPO
JOSIYA HAMALAMBO
SIMON SIMUCHEKA
ENOCK MEEMBA

**INTERPLEADER
1ST CLAIMANT
2ND CLAIMANT
3RD CLAIMANT
4TH CLAIMANT**

**Before Honorable Mrs. Justice M. Mapani-Kawimbe in Chambers on the 7th
day of November, 2017**

For the Plaintiff : *No Appearance*
For the 1st Defendant : *No Appearance*
For the 2nd Defendant : *Mrs. L. Mushota, Messrs Mushota & Associates*
For the Interpleader : *No Appearance*
For the Claimants : *Ms. C. Bweupe, Messrs AKM Legal Practitioners*

R U L I N G

Cases Referred To:

1. *Sonny Paul Mulenga, Vismar Mulenga, Chainama Hotels Limited and Elephants Head Hotel v Investrust Merchant Bank Limited (1999) Z.R 101 (S.C)*
2. *Nyampala Safaris and 4 Others v Wildlife Authority and 6 Others (2004) Z.R 49 (S.C)*
3. *Tresphord Chali v Bwalya Emmanuel Kanyanta Ngandu SCZ/8/009/2014*

Legislation Referred To:

1. *High Court Rules, Chapter 27*
2. *Rules of the Supreme Court, 1999 Edition*

This is the 2nd Defendant's application for a stay of ruling pending appeal. It is made pursuant to order 30 Rule 10 of the High Court Rules and is supported by an Affidavit.

The background of this application is that on 14th July, 2017, the Court delivered a ruling wherein it held that the Claimants were rightfully entitled to the cattle, which were wrongly seized by the Undersheriff at the instruction of the 2nd Defendant. The Plaintiff being dissatisfied with the Ruling has lodged an appeal in the Court of Appeal.

The gist of the Affidavit in Support is that the 2nd Defendant is convinced that his appeal has high prospects of success. He contends that if the Ruling is not stayed then his appeal will be rendered nugatory.

