

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

**2015/HP/793**

**BETWEEN:**

**JAN AFRICA INVESTMENT LIMITED**

**PLAINTIFF**

**AND**

**FAMILY LEGACY MISSIONS LIMITED**

**DEFENDANT**



*Before Hon. Mr. Justice M. L. Zulu at Lusaka, the.....day of  
January, 2018*

*For the Plaintiff: No Appearance*

*For the Defendant: Mrs. O. Chirwa, of Ranchod Chungu  
Advocates.*

---

## **RULING**

---

**List of Authorities:**

- 1. Wilson v. Church (1879) 12 CHD**
- 2. Linotype-Hell Finance v. Baker (1992) 4 ALL ER 887.**

**Other Works referred to:**

1. **Order 47, Rule 5 of the High Court Rules, Chapter 27 of the Laws of Zambia.**
2. **Halsbury's Laws of England, 4<sup>th</sup> Edition, Vol. 17 at para 455**

On 19<sup>th</sup> January, 2018, the Defendant issued Ex parte summons for an Order for Stay of Execution of Judgment dated 5<sup>th</sup> January, 2018, and Stay of Execution of the sale and release of seized goods pending appeal pursuant to the provisions of Order 3 Rule 2 of the High Court Rules, Chapter 27 of the Laws of Zambia.

The Application was accompanied by an Affidavit in Support dated 19<sup>th</sup> January, 2018 and a further Affidavit in Support of the Ex parte summons, dated 22<sup>nd</sup> January, 2018, the date I set to hear the Application.

Counsel for the Defendant, Mrs. Chirwa sought to rely on the said Affidavits in Support of the Application filed into Court herein. The Defendant contended that if the stay of execution of the Judgment was not granted, the Plaintiff will proceed to sale the goods seized rendering the Defendant's Appeal nugatory, citing the case of **Wilson v. Church** as the authority.

