

IN THE HIGH COURT FOR ZAMBIA

2015/HPC/0423

AT THE COMMERCIAL REGISTRY

HOLDEN AT LUSAKA

(Civil Jurisdiction)



BETWEEN

ZAMBIA NATIONAL COMMERCIAL BANK

APPLICANT

PLC

AND

RACHEL MUDIYO BANDA (Sued as a

RESPONDENT

Customer and Mortgagor)

Before the Hon. Lady Justice Irene Zeko Mbewe

For the Applicant : Ms Mwalula In House Counsel ZANACO

For the Respondent : Mr. S Sikota SC of Messrs Central Chambers

R U L I N G

Cases Referred To:

1. *Zambia Revenue Authority v Hitech Trading Limited SCZ Judgment No 40/2000*
2. *Bond v Dangster Properties Limited [2011] EWCA 455*
3. *Marrion v Vibort [1962] 1 ALL E R 869*
4. *Roy v Prior [1970] 2 ALL E R 729*
5. *Dawkins v Lord Rokeby [1873] L.R 8 QB*

6. *Meadow v General Medical Council [2006] EWCH 146*

Legislation Referred To:

1. *High Court Act, Cap 27 of the Laws of Zambia*
2. *Rules of the Supreme Court, 1999 Edition*

This is a Ruling on the Notice of Motion to raise a preliminary issue pursuant to **Order 33 Rule 3 Rules of the Supreme Court, 1999 Edition** as read with **Section 38 (1) High Court Act, Cap 27 of the Laws of Zambia** on the ground that the Applicant's filed affidavits sworn by Mr. George Mubanga Kashoki, are contrary to **Section 38 (1) High Court Act, Cap 27 of the Laws of Zambia** and that in some portions of the said affidavits, perjury is committed before the Court in that:

1. *The said Deponent for the Applicant in their affidavit in Reply to the Respondents further affidavit filed on the 23rd of May 2017 has sworn in paragraph 9 that they deposited K55,000.00 in the Defendant 's current account shown as “**GMK 10**” but yet despite bearing the same loan account number this amount has not been reflected for over a year in all other statements*

