

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

2017/HP/0873



B E T W E E N :

MIRRIAM MUMBA

APPLICANT

AND

DAVIE SILILO

1ST RESPONDENT

OTHERS UNKNOWN

2ND RESPONDENT

**Before Honorable Mrs. Justice M. Mapani-Kawimbe in Chambers on the
29th day of January, 2018**

For the Plaintiffs : *Mr. Mr. A. Banda, Messrs LM Chambers*
For the Defendants : *No Appearance*

R U L I N G

Case Authorities Referred To:

1. *Nyampala Safris and 4 Others v Wildlife Authority and 6 Others (2004) Z.R. 49 (S.C)*
2. *Sonny Paul Mulenga, Vismar Mulenga, Chainama Hotels Limited and Elephants Head Hotel v Investment Merchant Bank Limited (1999) Z.R 101 (S.C)*
3. *Wilson Masauso Zulu v Avondale Housing Project Limited (1982) Z.R 172*
4. *Shelter for All, Evans Mukula Chomba v Kingfred Ramsey and Precious Ramsey SCZ/8/192/2009*

Legislation Referred To:

1. *High Court Act, Chapter 27*

This is the Applicant's application to stay execution of judgment pending determination of an appeal by the Court of Appeal. It is made pursuant to Order 3 Rule 2 of the High Court Rules and is supported by an Affidavit.

The background facts are that on 31st May, 2017 the Applicant sued the Defendants for possession of Lot No. 13303/M, Chilanga, Lusaka. Judgment was delivered by this Court on 20th September, 2017, against the Plaintiff.

At the hearing, Learned Counsel for the Applicant relied on the Affidavit filed in Support. The gist of which is that the Applicant being dissatisfied with this Court's Judgment has lodged an appeal to the Court of Appeal. The Applicant believes that her appeal is meritorious and has high prospects of succeeding. The Applicant contends that the Court should have called evidence from either the Ministry of Lands or the Zambia Police to assist in proving her case. She argues that if the judgment is not stayed, the Respondents will proceed to alienate land, and their actions will render her appeal an academic exercise.

