

**IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA**

2017/HPC/0030

(Commercial Jurisdiction)

BETWEEN:

INTERTRADE SUPPLY LIMITED



PLAINTIFF

AND

IVESTRUST BANK PLC

DEFENDANT

Before the Honourable Justice B.G. Lungu on the 6th day of June, 2017 in Chambers.

R U L I N G

CASES REFERRED TO;

1. *Leopold Walford Zambia Limited v. Unifreight (1985) Z.R. 203;*
2. *Inyatsi Construction Limited vs. Pouwels Construction Zambia Limited & Pouwels Hotel Resorts Limited, 2013/HPC/0265;*
3. *William David Carlisle Wise vs. E.F. Hervey Limited (1985) Z.R.179 (S.C.);*
4. *Sablehand Zambia Limited v Zambia Revenue Authority (2005) Z.R. 109;*

5. *The Republic of Botswana, Ministry of Works Transport and Communications, Rinceau Design Consultants (Sued As A Firm Previously T/A KZ Architects) V Mitre Limited, (1995)*

LEGISLATION AND OTHER WORKS REFERRED TO:

1. *Order VII, Rule 1 of the High Court Rules, Chapter 27 of the Laws of Zambia Rules of the Supreme Court, 1965, 1999 Edition;*
2. *Order 18, Rule 19 of the Rules of the Supreme Court of England, 1965, Supreme Court Practice, Volume 1, 1999 Edition;*
3. *Order XI, Rule 1(4) of the High Court Rules, Chapter 27 of the Laws of Zambia;*
4. *Order 2, Rule 1 of the Rules of the Supreme Court, 1965;*
5. *Order XVIII of the High Court Rules, High Court Act, Chapter 27 of the Law of Zambia;*
6. *Order LVIII, Rule 6 of the High Court Rules, High Court Act, Chapter 27 of the Law of Zambia;*
7. *Halsbury's' Laws of England, volume 3 at p. 836*

On 24th January, 2017, the Plaintiff took out a Writ of Summons against the Defendant, claiming:

1. A declaration that the Defendant is not entitled to debit the Plaintiff's account with the amount of purported cheques for K42,300 and K48, 600 dated 19th August, 2016 and 24th August, 2016, respectively, and that the Plaintiff's account should be credited with interest;
2. Damages for loss of business;

