

**IN THE HIGH COURT FOR ZAMBIA
AT THE COMMERCIAL REGISTRY
HOLDEN AT LUSAKA
(CIVIL JURISDICTION)**



2016/HPC/0196

**IN THE MATTER OF: ORDER 30 RULE 14 OF THE HIGH COURT
RULES, CHAPTER 27 OF THE LAWS OF
ZAMBIA AND ORDER 88 OF THE RULES OF
THE SUPREME COURT (1999) EDITION**

AND

**IN THE MATTER OF: LOAN TERM FACILITY DATED 10TH MARCH,
2015**

AND

**IN THE MATTER OF: PAYMENT SECURED BY LEGAL MORTGAGE
AND**

**IN THE MATTER OF: AN ORDER FOR POSSESSION, SALE AND/OR
FORECLOSURE OF SUBDIVISION NO. 1 OF
SUBDIVISION A OF FARM NO. 2882, LUSAKA**

BETWEEN:

INVESTTRUST BANK PLC

APPLICANT

AND

TRYMORE MWENDA T/A MWENDA ESTATES

RESPONDENT

**CORAM: Hon. Madam Justice Dr. W.S. Mwenda in Chambers at
Lusaka on the 21st day of February, 2018**

For the Applicant: Mr. M. Mukupa of Messrs. Isaac and
Partners

For the Respondent: Mr. P. G. Katupisha of Milner and Paul Legal
Practitioners

RULING

Cases referred to:

1. *Adams v. Lindsell* (1818) 106 E.R. 250.
2. *Household Fire Insurance v. Grant* (1997) 4 Ex D 2016.

3. *Linotype-Hell Finance Limited v. Baker* (1992) 4 All E.R. 887.
4. *Sonny Paul Mulenga and Vismar Mulenga, Chainama Limited v. Investrust Merchant Bank* (SCZ Judgment No. 15 of 1999).
5. *Michael Chilufya Sata v. Chanda Chimba III, Zambia National Broadcasting Corporation Muvi TV Limited Mobi TV International Limited*, 2010/HP/1282.
6. *Zambia Telecommunications Company Limited (ZAMTEL) v. Aaron Mweene Mulwanda Paul Ng'andwe*, SCZ Judgment Number 7 of 2012.
7. *Amber Louise Guest Milan Trbonic v. Beatrice Mulako Mukinga and the Attorney-General*, 2010/HP/0344.

Legislation referred to:

1. *Rules 50 (1) and (2) and 51 of the Supreme Court Rules of Zambia, Chapter 25 of the Laws of Zambia.*
2. *Section 51 of the Supreme Court Act, Chapter 25 of the Laws of Zambia.*
3. *Order 39, Rule 1 of the High Court Act, Chapter 27 of the Laws of Zambia.*
4. *Section 24 (1) (e) of Supreme Court Act, Chapter 25 of the Laws of Zambia.*

Publication referred to:

Bryan A. Garner (Ed), Black's Law Dictionary, 8th Edition [Thomson West, 2004].

These are applications by the Respondent for an Order for Stay of Execution of the Ruling dated 28th July, 2016 and for an Order for

