

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

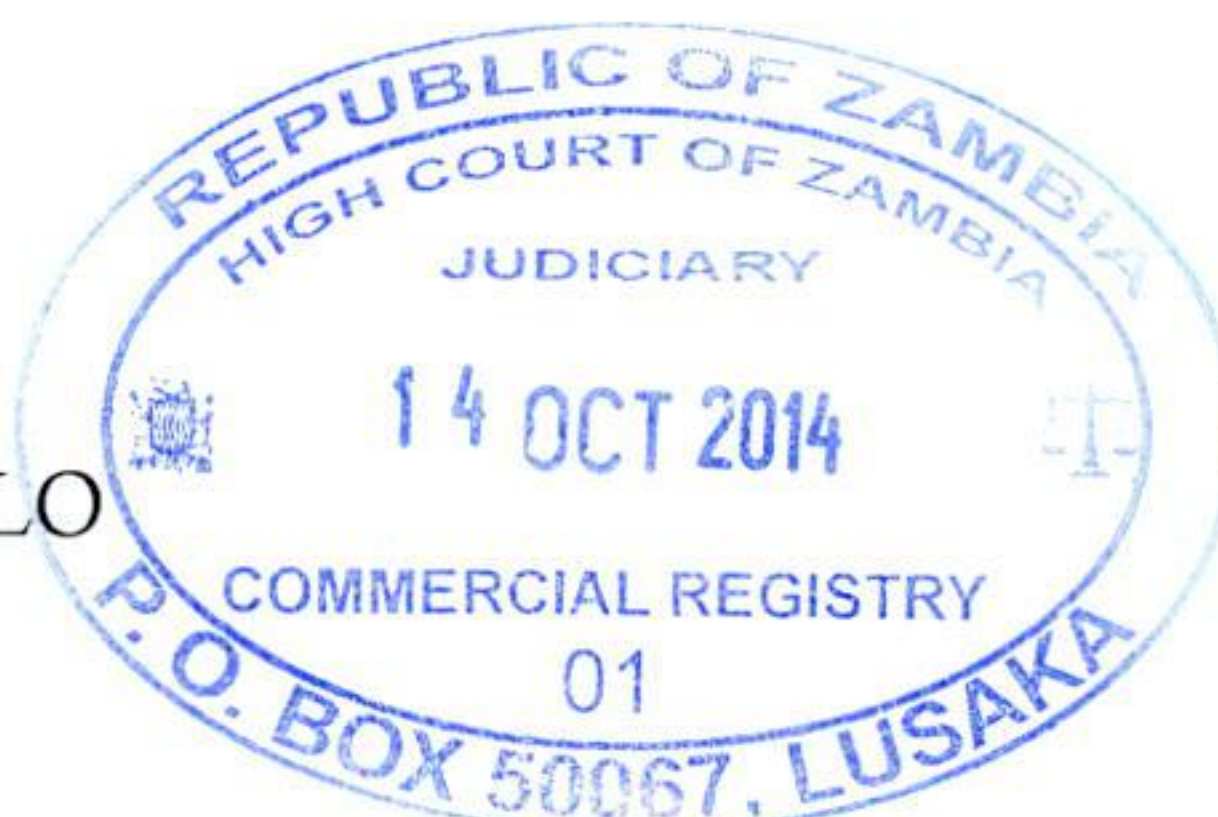
2014/HPC/0070

BETWEEN:

COSMAS HAKAMINZA MICHELO

AND

DOUGLAS & PARTNERS (Sued as a Law Firm)



PLAINTIFF

DEFENDANT

**BEFORE HON. MADAM JUSTICE PRISCA MATIMBA NYAMBE, SC AT  
LUSAKA IN CHAMBERS**

For the Plaintiff:        Mrs. M Kalyabantu Soko  
                                      *Malambo & Company*

For the Defendant:       *No appearance*

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## **RULING**

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**List of authorities referred to:**

1. Order 3 Rule 2 of the High Court Rules Cap 27 of the Laws of Zambia

In this matter the Defendant is a Law Firm practicing under the name and style of **Messrs Douglas and Partners**. The matter was scheduled for hearing of the Defendant's application to set aside Judgment in Default of Appearance and Defence granted by the Hon. Deputy Registrar on 13<sup>th</sup> May, 2014.



Pursuant to an *Ex-parte* Summons for an Order to stay execution pending the determination of an application to set aside the said Default Judgment pursuant to **Order 3 Rule 2 of the High Court Rules Cap 27 of the Laws of Zambia**, I did on 19<sup>th</sup> May, 2014 grant an *Ex-parte* Order for stay of execution.

The matter was set for hearing of the application today. A Notice of hearing in this regard was duly issued. On 25<sup>th</sup> September, 2014 Counsel seized of this matter **Mr. Musapila Sinyangwe** filed a notice to adjourn for the reason that he would be out of town to attend to some family matters.

The record will show as evidenced by the affidavit filed by another Partner in this Law Firm that there is in fact another or other lawyers in this Law Firm. It was therefore possible to assign another lawyer to attend to this matter. Moreover this is their application.

I expect lawyers attending the Commercial List to adhere to the letter and spirit for which the Court was established *i.e.* to deal with matters expeditiously. The reason for requesting an adjournment is a lack of seriousness to merit further delay in the matter.

Moreover on the documents filed herein I do not see any merit warranting a stay of execution. The Hon. Deputy Registrar was on firm ground in granting the Judgment in Default.

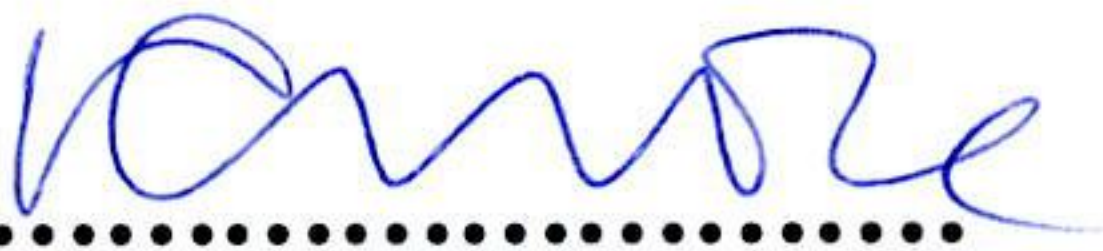


In the event, the Defendant's application to set aside the Default Judgment granted by the Deputy Registrar on 13<sup>th</sup> May, 2014 is hereby declined.

Consequently my *Ex-parte* Order granted on 19<sup>th</sup> May, 2014 is discharged.

Costs are awarded to the Plaintiff, to be taxed in default of agreement.

Dated this...14<sup>th</sup>...day of October.....2014

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**Prisca M. Nyambe, SC**  
**JUDGE**