

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

2014/HPC/0026

BETWEEN:

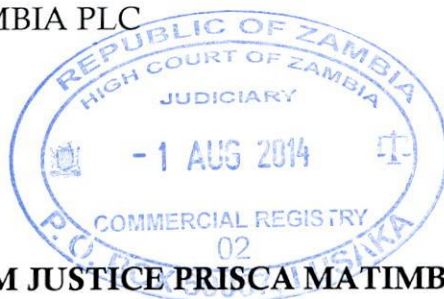
BARCLAYS BANK ZAMBIA PLC

APPLICANT

AND

MICHAEL MULEMBE

RESPONDENT



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

For the Applicant: Ms M Njovu

For the Respondent: *No appearance*

JUDGMENT

List of authorities referred to:

1. Order 30 Rule 14 of the High Court Rules Cap 27 of the Laws of Zambia

This matter was commenced by way of Originating Summons on 17th January, 2014, pursuant to **Order 30 Rule 14 of the High Court Rules Cap 27 of the Laws of Zambia** by the Applicant Bank for:-

1. Payment of all monies which as at 20th May, 2014 stood at ZMW 377,011.16, interest, Costs and other charges due to the Applicant by the Respondent under housing loan facilities secured by legal Mortgage and charges over Stand No. 8814 Lusaka.
2. Foreclosure.
3. Sale of the Mortgaged Property.
4. Any further or other relief the Court may deem fit.
5. Costs.

The application was supported by an affidavit and Service of Originating Process was served on the Respondent through substituted service on 16th and 17th June, 2014. The Affidavit of Service was filed on 11th July, 2014. There is no appearance for the Respondent either in person or by Counsel. The Respondent did not file an affidavit opposing the claim. No reason has been communicated to Court or the Applicant for none appearance.

From the above it is clear that there is no defence to the claim. The Applicant did issue demand notice as shown by Exhibit "MM4", 31st March, 2013 to which there has been no reaction by the Respondent. It is evident that the Respondent is in default of their repayment obligations as agreed.

In the event the Applicant is granted the reliefs sought as endorsed in the Originating Summons.


ORDER:-

1. I enter Judgment in favour of the Applicant in the sum of ZMW 377,011.16 with interest at the current lending rate as determined by the Bank of Zambia, or as agreed whichever is lesser.

2. The Respondent shall pay the Judgment Debt with interest as above within six (06) months from the date of this Judgment, in default the Applicant shall be at liberty to exercise its power for Foreclosure/Sale of the Mortgaged Property being Stand No. 8814, Lusaka without any further Court Order. No interest shall accrue in favour of the Applicant from the date of this Judgment.

3. Costs shall follow the Cause, to be taxed in default of agreement.

Dated this.....1st.....day ofAugust.....2014


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Prisca M. Nyambe, SC
JUDGE