**IN THE HIGH COURT FOR ZAMBIA 2014/HPC/0123**

**AT THE COMMERCIAL REGISTRY**

**HOLDEN AT LUSAKA**

(Civil Jurisdiction)

**BETWEEN:**

CHANSA KAPULULA (**T/A MORE ENTERPRISES**) **PLAINTIFF**

**AND**

SIMON NGOMA (**T/A SAMSON ENTERPRISES)** **DEFENDANT**

THE NATIONAL ROAD AGENCY **1ST GARNISHEE**

INVESTRUST BANK PLC **2ND GARNISHEE**

**BEFORE THE HON. MR JUSTICE JUSTIN CHASHI IN CHAMBERS ON THE 4TH DAY OF MARCH, 2015**

*For the Plaintiff: N/A*

*For the Defendant: N/A*

*For the 1st Garnishee: N/A*

*For the 2nd Garnishee N/A*

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**R U L I N G *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***

The Defendant has filed an ex parte application for stay of execution of a Garnishee Order pending summons to set aside the Garnishee Order dated 7th day of November 2014 and the **Consent Order** dated 18th day of December, 2014 pursuant **to Order 36 Rule 10 of The High Court Rules** Chapter 27 of the Laws of Zambia.

After considering the Defendants application, I note that although the application for Garnishee Nisi to be made absolute was struck out the Plaintiff and the 1st Garnishee returned to Court by way of a Consent Order with a Garnishee Order Absolute which this Court confirmed.

I therefore see no basis for upsetting the same.

In any case, there is still in existence a Consent Order to pay the Judgment sum in instalments and the Defendant has defaulted on the same.

I therefore see no merit in the Defendant’s application and it is **accordingly dismissed**.

**Leave to appeal is hereby granted.**

**Delivered at Lusaka this 4th day of March 2015**

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Justin Chashi

**HIGH COURT JUDGE**