

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

**2014/HPC/0123**

(Civil Jurisdiction)

**BETWEEN:**

CHANSA KAPULULA (T/A MORE ENTERPRISES)

**PLAINTIFF**

**AND**

SIMON NGOMA (T/A SAMSON ENTERPRISES)

**DEFENDANT**

THE NATIONAL ROAD AGENCY

**1<sup>ST</sup> GARNISHEE**

INVESTRUST BANK PLC

**2<sup>ND</sup> GARNISHEE**

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

*For the Plaintiff:* N/A

*For the Defendant:* N/A

*For the 1<sup>st</sup> Garnishee:* N/A

*For the 2<sup>nd</sup> Garnishee:* N/A

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**R U L I N G**

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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 7<sup>th</sup> day of November 2014 and the **Consent Order** dated 18<sup>th</sup> 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 1<sup>st</sup> 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 4<sup>th</sup> day of March 2015**

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Justin Chashi  
**HIGH COURT JUDGE**