

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

2015/HPC/0214

In the matter of:

An application for delivery of possession of the property known as Lot No. 25567/M Central Province to the Applicant as Legal Mortgagee pursuant to a power of sale comprised in the 3rd Party Mortgage Deed dated 7th February 2014 made between the Applicant and the Respondents

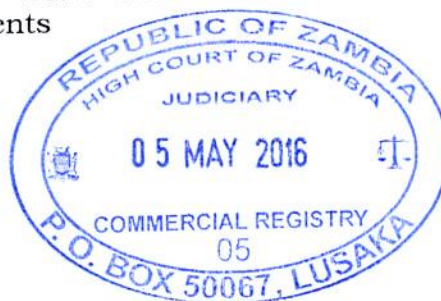
BETWEEN:

INDO-ZAMBIA BANK LIMITED

AND

FUCHO TRANSPORT LIMITED

CHOLA MATAKA



APPLICANT

1ST RESPONDENT

2ND RESPONDENT

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

For the Applicant:

Mr. Matiya Ndhlovu
Messrs M R N Legal Practitioners

For the Respondents:

Mr. Chola Mataka
In Person

RULING

Legislation referred to:

1. Order 20 Rule 11 of the Rules of the Supreme Court of England 1999 Edition

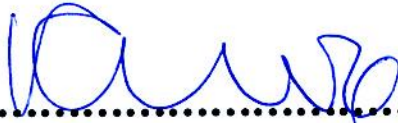
This is an application brought by the Plaintiff to amend the Judgment of the Court delivered on 7th December 2015, made Pursuant to **Order 20 Rule 11 of the Rules of the Supreme Court of England 1999 Edition**. The application was supported by an affidavit together with skeleton arguments of even date. In sum the Plaintiff was asking the Court to correct the figure in the Judgment sum of K83,000.00 and replace it with the figure of K941,065.76.

I note that the Respondent admits the error made in the Judgment of 7th December 2015. To that extent the application to amend the Judgment is granted. In paragraph 1 of the Judgment the amount due and owing shall be reflected as K941,065.76.

The Respondents also submitted that they have reduced the Judgment Debt since the Judgment of 7th December 2015 and requested the Court to grant them more time within which to liquidate the outstanding balance. I have therefore noted the efforts made by the Respondents to reduce the amount owing. I consider it appropriate to exceptionally grant the Respondents more time within which to liquidate the outstanding balance. In this regard the Respondents shall be at liberty to pay the outstanding balance of the Judgment Debt within six (06) months from the date of this Ruling. In default the Applicant shall be at liberty to exercise its power of sale of the Mortgaged Property.

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

Dated this 5th day of May 2016


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Prisca M. Nyambe, SC
JUDGE