

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

2017/HP/0545

BETWEEN:

WAMULING'UNGWA MULONDA



APPLICANT

AND

SIMON CHIHANA

RESPONDENT

**Before the Hon. Mr. Justice M.L. ZULU
in Chambers on the 22nd August, 2017**

For the Petitioner:

In Person

For the Respondent:

No Appearance

J U D G M E N T

This is an application brought by the Applicant by way of Originating Notice of Motion pursuant to Section 4(e)(i) and (ii) of the Rent Act, Cap 206, of the laws of Zambia. The Applicant seeks the following reliefs:

1. An Order for eviction directed at the Respondent from House No. 416, Salama Park, Lusaka;
2. An Order that the Respondent pays all the outstanding rentals to the Applicant which stand from March, 2016 to March 2017 amounting to K40,300.00 and water bills of K4783.82;

3. In the Alternative, issuance of Warrant of Distress against the Respondent in respect of property and assets of the Respondents at the premises;
4. Mesne profit;
5. Any other relief the court may deem fit; and
6. Costs of and incidental to these proceedings.

The Application is supported by an Affidavit in support deposed by Wamuling'ungwa Mulonda, the Land Lord of the property, House no. 416, Salama Park, Lusaka.

The Applicant in his Affidavit evidence states that around 1st November, 2013, he offered the Respondent a verbal Lease Agreement for the occupation and use of the Premises, House No. 416 which currently stand at K3,100 per month.

The Applicant states that the Respondent would cover the cost for electricity and water bills during the tenancy, but the Respondents rent payment has been highly irregular resulting in arrears of K40,300.00 plus water bills of K4,783.82.

There was no Affidavit in opposition to the claim by or on behalf of the Respondent.

The notice of hearing was duly served on the Respondents on 10th May, 2017 and 8th June, 2017 respectively as shown by the Affidavit of Service sworn by Wamulingu'ungwa Mulonda and the same was duly received and acknowledged by Simon Chihana on same dates.

At the hearing on 10th July, 2017, there was no appearance for and on behalf of the Respondent. The Applicant relied on his Affidavit filed into Court and prayed that the Court Order the Respondent to pay the Applicant the outstanding rental arrears that had now reached K49,600.00 and water bill of K4,703.38. The Applicant also prayed for other reliefs in the claim.

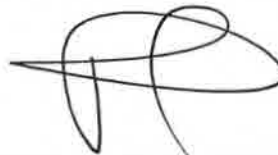
The Applicant drew the Courts attention to the difficulties he has endured as a result of the none payment of rentals by the Respondent.

I have noted the Applicants Affidavit in support of the Originating Notice of Motion and his own submission. On the evidence on record, and the Respondent's failure to attend any of the sessions at Court, it is evident that the Respondent has no defence to the claim and I accordingly grant the Applicant the following reliefs:

1. An Order for eviction directed at the Respondent;
2. Enter Judgment in favour of the Applicant in the sum of K49,600.00 for the accrued rentals;
3. Recovery of K4703.38 for the water bill; and
4. Costs of and incidental for this action.

Leave to appeal is granted.

Delivered at Lusaka this 22st day of August, 2017.



**M.L. ZULU
HIGH COURT JUDGE**