

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



2019/HP/1510

IN THE MATTER OF:

**THE LANDLORD AND TENANT
(BUSINESS PREMISES) ACT CHAPTER 103
OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF:

**SHOP NUMBER G034 SOCIETY BUSINESS
PARK**

AND

BETWEEN:

SOCIETY HOUSE DEVELOPMENT COMPANY LIMITED

APPLICANT

AND

**BEATRICE HAMPANDE
(T/A BIBIS COSMETICS AND BOUTIQUE)**

RESPONDENT

Before the Hon. Lady Justice C. Lombe Phiri in Chambers

For the Applicant: M. J. Chitupila – Gill & Seph Advocates

For the Respondent: N/A

J U D G M E N T

LEGISLATION REFERRED TO:

The Landlord and Tenant Act Chapter 103 of the Laws of Zambia

This is a matter whereby the Applicant, by way of Originating Notice of Motion, sought the following reliefs from the Court:

- 1) *Payment of the sum of K260,002.76 being rent due from the Respondent to the Applicants at 5th September, 2019 in respect of shop No. G034 Society Business Park.*
- 2) *Payment of K39.44 being utility charges due from the Respondent to the Applicant as at 5th September, 2019 in respect of the subject property.*
- 3) *Interest on the two amounts claimed.*
- 4) *Costs.*

The said Notice of Motion was supported by an affidavit deposed to by one Edward Chewe Kunda, the Finance Manager of the Applicant. In the affidavit it was explained how the Applicant and Respondent entered into a lease agreement in relation to the subject property. It was further explained how the Respondent had fallen into arrears over a period of time. It was also stated that the Respondent had failed, refused or neglected to settle the arrears while remaining in occupation of the property. Remainders of the rental arrears and the state of account were exhibited in the Affidavit. It was deposed to that there

were the circumstances that led the applicant to commence the action before Court.

The Respondent, although having been served with Court documents and being aware of the proceedings before Court failed to file any affidavit in Response.

Having being satisfied of the Service of the Notices of Hearing in the matter the Court allowed the Applicant to proceed with their application.

In making his application the Applicant relied entirely on the Affidavit in support of the Application and prayed that the reliefs sought be granted by this Court.

I find that the Applicant has ably demonstrated to the satisfaction of the Court that the Respondent is indebted to them as itemised in the Originating Notice of Motion.

Further, that the Respondent has failed to pay what they owe the Applicant. No opposition or challenge has been made against the claims of the Applicant or the exhibits that have been adduced in Court. I therefore find that the claim against the Respondent succeeds in total. The Applicant is at liberty to recover the amounts owed being:

1) Rental arrears owing to K260,002.76;

2) Utility charges being K391.44;

- 3) *Interest payable at the average short term deposit rate from time of filing of the Originating Notice of motion upto date of this Judgment. Thereafter interest on the Judgment debt should be calculated at the current lending rate determined by Bank of Zambia until full settlement of the Judgment debt; and*
- 4) *Costs for the Applicant.*

Delivered at Lusaka this 7th day of August, 2020.


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C. LOMBE PHIRI
JUDGE