

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

2013/HP/1153



BETWEEN:

CARLSON CHINGWENGWEZI

PLAINTIFF

AND

SONAR INTERNATIONAL LIMITED

DEFENDANT

BEFORE HONORABLE MR JUSTICE MWILA CHITABO, SC

For the Plaintiff:

Mr. W. Mhanga of Messrs AKM Legal Practitioners

For the Defendants:

N/A

R U L I N G

Cases referred to;

- 1. Luanshya Copper Mines and First Rand Ireland Plc and other creditors of Luanshya and 2 others SCZ/8/168/2009*
- 2. Zambia Revenue Authority and Post Newspaper Limited Appeal No. 36 of 2016, SCZ/8/2015 (unreported)*
- 3. Khalid Mohamed v. The Attorney General 91982) ZR 49*
- 4. Wilson Masauso Zulu v. Avondale Housing Project Limited (1982) ZR 172*

This is an application by the Defendant to stay the Judgment of this Court rendered on 10th October, 2017 awarding the Plaintiff a sum of K369, 075.00 with interest.

The application is supported by an affidavit deposed to by one **Binod P. Menon**.

The essence of which is that firstly that in his view there are high prospects of the appeal succeeding. Secondly, that stay absent, the Judgment on appeal would be rendered nugatory if the defendant were to succeed on appeal.

This was on the ground that the Plaintiff has no means and may not be able to refund the sums received.

The application was understandably opposed by an affidavit in opposition deposed to by the Plaintiff **CARLSON CHINGWENGWEZI**. The essence of which was that there are no prospects of the appeal succeeding.

That where as the Defendant has alleged that the Plaintiff has no means and is not likely to refund the Defendant in the event that the appeal was to succeed, there is no evidence that the Plaintiff in fact has no means.

It was finally deposed that the Court issues an order that the Judgment sum be paid into Court pending the determining of the appeal and further that the sum paid into Court inclusive of accrued interest continues to attract interest.

It was pointed out that this option was not attractive to the Plaintiff.

