

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

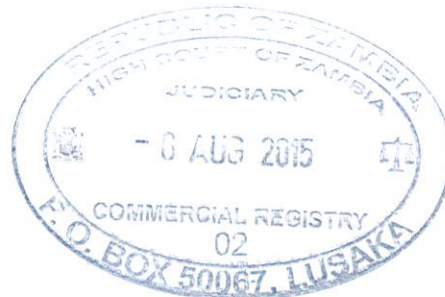
2014/HPC/0443

In the matter of: An Application for an Order of Foreclosure, Possession and Sale of the Property Known as Stand No. S/D 9C/374 of Stand No. 11063, Libala Stage 3, Lusaka which was subject of a Legal Mortgage between the Applicant and the Respondent as Security for Repayment of a Home Loan.

In the matter of: Order 30 Rule 14 of the High Court Rules

BETWEEN:

BARCLAYS BANK PLC
AND
DENRY MWANSA



APPLICANT

RESPONDENT

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

For the Applicant: Ms B Kasompe
Tembo Ngulube & Associates

For the Respondent: *No appearance*

JUDGMENT

List of authorities referred to:

1. Order 30 Rule 14 of the High Court Rules Cap 27 of the Laws of Zambia
2. Order XXXVI Rule 8 of the High Court Rules Cap 27 of the Laws of Zambia
3. Section 2 of the Judgments Act Cap 81 of the Laws of Zambia

This is an application for Foreclosure, Possession and Sale of the Property known as Stand No. S/D 9C/374, of Stand No. 11063, Libala Stage 3, Lusaka. The application was commenced by Originating Summons Pursuant to **Order 30 Rule 14 of the High Court Rules Cap 27 of the Laws of Zambia**.

It was supported by an affidavit filed on 22nd October, 2014 as well as skeleton arguments of even date.

Originating Process was served on the Respondent by way of substituted service by advertisement in the Post Newspaper running from 10th to 12th June 2015 as evidenced by an affidavit of service filed on 15th June 2015.

The Respondent has not filed an affidavit in opposition, and on the hearing date did not appear despite service by advertisement aforementioned.

The Respondent not having appeared, I find that he has no Defence to the claim as endorsed. The Applicant is therefore entitled to the reliefs as endorsed.

Order:-

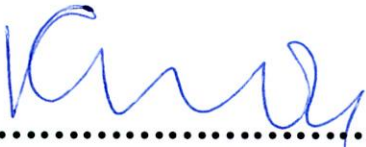
1. I enter Judgment in favour of the Applicant for payment of the outstanding amount of the principal loan advanced to the Respondent with interest in accordance with **Order XXXVI Rule 8 of the High**

Court Rules Cap 27 of the Laws of Zambia from the cause of action to date of this Judgment and thereafter in accordance with **Section 2 of the Judgments Act Cap 81 of the Laws of Zambia**, till final settlement.

2. The Respondent doth pay the Judgment Debt as above within three (03) months from the date of this Judgment. In default the Applicant shall be at liberty to exercise its power of Foreclosure/Sale in respect of the Mortgaged Property being Stand No. S/D 9C/374 of Stand No. 11063, Libala Stage 3, Lusaka without further Court Order.

Costs shall follow the Cause, to be taxed in default of agreement.

Dated this.....^{6th}.....day of^{August}.....2015


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Prisca M. Nyambe, SC
JUDGE