

**IN THE SUPREME COURT OF ZAMBIA**  
**HOLDEN AT LUSAKA**

**APPEAL NO. 161/2000**

**UNIVERSAL MARKETING SERVICES LIMITED**  
**ALPHA STEEL LUSAKA LIMITED**  
**ENOCK PERCY KAVINDELE**  
**GEOFFREY SAMUKONGA**

**1<sup>ST</sup> APPELLANT**  
**2<sup>ND</sup> APPELLANT**  
**3<sup>RD</sup> APPELLANT**  
**4<sup>TH</sup> APPELLANT**

**AND**

**UNION BANK ZAMBIA LIMITED**

**RESPONDENT**

Coram: Ngulube, CJ, Chaila and Chibesakunda, JJS  
21<sup>st</sup> July 2001 and .....

For the 1<sup>st</sup> – 4<sup>th</sup> Appellant: Mr Mundashi of Messrs Mulenga Mundashi and Company  
For the Respondent: Mr Mutemwa of Mutembwa Chambers

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**RULING**

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Chibesakunda JS, delivered the motion in Court

This is a Judgment Hon. W Justice Chaila was meant to have written but because of his untimely death this Judgment is now a majority Judgment.

The brief history of this case is that the Respondents before us had commenced by specially endorsed writ an action against the four Appellants to recover the sum being the balance outstanding as at 30<sup>th</sup> April 1998, together with interest, of K1,883,333,755.14. The Appellants entered the memorandum of appearance. The Respondents applied for summary judgment under Order 30. Judgment was entered for the sum of K1,883,333,755.14.

The judgment was couched in this way:-

“Upon hearing counsel for the Respondent and upon reading the affidavits in support of the application, it was ordered as follows:

1. That Judgment be and is hereby entered in favour of the Respondent for K1,883,333,755.14 being the balance outstanding as at 30<sup>th</sup> April 1998, together with interest thereon to the date of judgment, and thereafter at six per cent per annum; and
2. That leave be and is hereby granted for a writ of possession to be issued against the mortgaged property, known as Sub-division A of Sub-division 19 of Farm No. 110a "Villa Elizabetta, Lusaka."

The four Appellants applied to the High Court to have that judgment reviewed. The High Court refused to review its own judgment against the Appellants on grounds that the points raised in the application for review were points which should have been raised when judgment was being entered under Order 30 of the Rules of the High Court Act, Cap 27. The Appellants then appealed to this court. At the hearing when the parties appeared before us they abandoned the two grounds of appeal and by consent agreed to the retention of the rate of interest of six per cent per annum on the original loan amount.

We confirm that position. The appeal is abandoned. We therefore dismiss the appeal but the interest rate on the loan amount is six per cent per annum. No order on costs.

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M M S W Ngulube  
**CHIEF JUSTICE**

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L P Chibesakunda  
**SUPREME COURT JUDGE**