

IN THE HIGH COURT FOR ZAMBIA

2017/HPC/0060

AT THE COMMERCIAL REGISTRY

HOLDEN AT LUSAKA

(Civil Jurisdiction)



BETWEEN

DEVELOPMENT BANK OF ZAMBIA

APPLICANT

And

ROZHO ENTERPRISES LTD

1ST RESPONDENT

ZHOROMI KAZHINGA

2ND RESPONDENT

RODINAH CHIVWETA KAZHINGA

3RD RESPONDENT

Before the Hon. Madam Justice Irene Zeko Mbewe.

For the Applicant: Mr. M M Nkonde Legal Counsel DBZ

For the Respondents: N/A

J U D G M E N T

Cases Referred To:

1. *Courtyard Hotel Ltd and Others v First National Bank Zambia Ltd and Another SCZ Appeal No. 006/2015.*

2. *Reeves Malambo v Patco Agro Industries Limited SCZ Judgment No. 20 of 2007*
3. *S. Brian Musonda (Receiver of First Merchant Bank (Z) Limited v Hyper Food Products Ltd and Others (1999) ZR 124 SC.*
4. *G & C Kreglinger & New Patagonia Meat & Cold Storage Ltd (1913) A.C. 25*
5. *Cheltenham and Gloucestershire v Norgen (1996) 1 WLR 343*
6. *Kanjala Hills Lodge Limited and Another v Stanbic [2012] 2 ZR 172*

Legislation and Other Works Referred To:

1. *High Court Rules, Cap 27 of the Laws of Zambia*
2. *Black's Law Dictionary, 7th Edition, Thomson Reuters*
3. *Halsbury's Law of England Volume 32 paragraph 737*

The Applicant commenced legal action against the Respondents herein by way of Originating Summons claiming for the following reliefs:

1. An Order for the payment by the Respondents of all sums due to the Applicant under the Facility Letters dated 9th October 2014 and 27th July 2016 respectively which sums stood at ZMW3,328,421.86 as at 7th February 2017.
2. Interest therein.
3. Delivery up by the 2nd Respondent to the applicant of the mortgaged property, namely stand No. 7062/M Lusaka.
4. An Order of Foreclosure.

