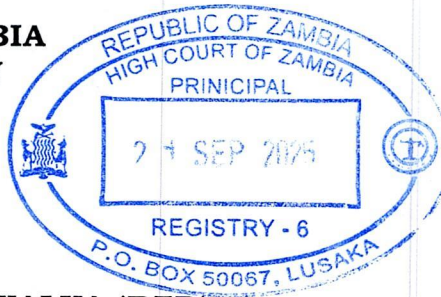


**IN THE HIGH COURT OF ZAMBIA  
AT THE PRINCIPAL REGISTRY  
HOLDEN AT LUSAKA**  
(Civil Jurisdiction)



**2025/HP/1195**

**BETWEEN:**

**MAJOR GENERAL MUKUKA BWALYA (RTD)**

**PLAINTIFF**

**AND**

**ATTORNEY GENERAL**

**DEFENDANT**

**Before the Honourable Ms. Justice S. Chocho, in Chambers on 24<sup>th</sup>  
September, 2025**

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## **R U L I N G**

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**Legislation referred to:**

- i. Section 22 of the State Proceedings Act, of the High Court Rules Chapter 27 of the Laws of Zambia.***
- ii. Order XII Rule 1 (2) of the High Court Rules Chapter 27 of the Laws of Zambia.***
- iii. Order XX Rule 4 of the High Court Rules Chapter 27 of the Laws of Zambia.***

**1. INTRODUCTION**

- 1.1. This is a Ruling on the Plaintiff's application for leave to enter Default Judgment against the Defendant being the Attorney General.
- 1.2. The application pursuant to ***Section 22 of the State Proceedings Act as read with Order XII Rule 1 (2) and Order XX Rule 1 and 4 of the***

**High Court Rules**, is supported by affidavit, list of authorities and skeleton arguments filed on September 17<sup>th</sup>, 2025.

## 2. **BACKGROUND**

2.1. The background to this matter as per pleadings and affidavit evidence before this Court is that the Plaintiff commenced this action against the Defendant by way of Writ and Statement of Claim filed on September 2<sup>nd</sup>, 2025 claiming the following reliefs.

- i. Payment of the allowances owed to him computed at the prevailing United States Dollar (UD\$) to Zambian Kwacha (ZMW) exchange rate.
- ii. Damages for loss, damage, distress and inconvenience.
- iii. Interest thereon at the prevailing Commercial Bank lending rate as determined by the Bank of Zambia until full and final settlement.
- iv. Further or other relief the Honourable Court may deem appropriate.
- v. Costs to be agreed or taxed in default of agreement.

2.2. The Defendant did/has not entered Appearance nor file a Defence.

## 3. **AFFIDAVIT EVIDENCE**

3.1. The Plaintiff by affidavit sworn by one Loveness Roydah Phiri, avers that the Defendant was served with Originating Process on September 2<sup>nd</sup>, 2025.

3.2. The Plaintiff further avers that he duly filed an affidavit of service dated September 3<sup>rd</sup>, 2025.

3.3. The Plaintiff also avers that the search conducted on the court record on September 16<sup>th</sup>, 2025, 14 days after service revealed no Appearance and/Defence by the Defendant.

4. **THE LAW/SUBMISSIONS**

4.1. The Plaintiff relies on the Provisions of **Section 22 of the State Proceedings Act, Order XII Rule 1 (2) and Order XX Rule 4 of the High Court Rules Chapter 27 of the Laws of Zambia.**

4.2. Having reviewed the application and particularly so the Originating Process, it is my considered opinion that this matter is not one fit and proper for entry of Default Judgment. The Plaintiff must prove his case.

4.3. The application is therefore denied.

4.4. Matter stands adjourned to October 21<sup>st</sup>, 2025 at 08:40 hours for Scheduling Conference.

**Delivered at Lusaka on 24<sup>th</sup> September, 2025.**



**S. CHOCHO  
JUDGE**

