

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

**2025/HP/1052**



Between:

**MARTHA NGOMA** (*Suing as Secretary  
General of Bukwasho Village Banking Group*)

**PLAINTIFF**

**AND**

**MARTHA CHANDA MWAMBA  
SYDNEY MAKA**

**1<sup>ST</sup> DEFENDANT**

**2<sup>ND</sup> DEFENDANT**

**Before Hon. Lady Justice S. Chocho in Chambers**

For the Plaintiff: Mr. C. Nyimbili – Messrs Makebi Zulu Advocates  
For the 1<sup>st</sup> Defendant: Ms. M. C. Mwamba – In Person  
For the 2<sup>nd</sup> Defendant: Mr. S. Maka – In Person

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## **J U D G M E N T**

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**Cases Referred to:**

1. *Partisanski Put (Zambia) Limited vs Willy Kit Limited SCZ (1977) ZR 357*

**Legislation Referred to:**

1. *Section 2 of the Judgment Act Chapter 81 of the Laws of Zambia.*

1. **INTRODUCTION AND BACKGROUND**

1.1 The Plaintiff by Writ of Summons and Statement of Claim dated July 24<sup>th</sup>, 2025 claims against the Defendants as follows;

***1. Against the 1<sup>st</sup> Defendant;***

- (i) An Order that the 1<sup>st</sup> Defendant account for the use of the principal amount of ZMW1,100,000.00, from the date of receipt of the said amount to the date of the instant suit;
- (ii) An Order that the 1<sup>st</sup> Defendant render an account for all monies received in her capacity as Treasurer of the club during her tenure as Treasurer of the Club.
- (iii) An Order for payment of all monies found to be owing after the rendering of an account in (ii) above to Bukwasho Village Banking Group.

***2. Against the 2<sup>nd</sup> Defendant;***

- (iv) An Order that the 1<sup>st</sup> and 2<sup>nd</sup> Defendants are jointly and severally liable to pay to Bukwasho Village Banking Group, the sum of ZMW1,100,000.00, inclusive of 20% interest thereon;
- (v) An Order for the payment of the sum in (i) above, inclusive of 20% interest thereon;
- (vi) Costs of this action; and
- (vii) Any other relief the Court may deem fit.

- 1.2 The Defendants entered appearance and filed defence on August 7<sup>th</sup>, 2025 by which defence aver that the claims are correct save that there's no intent to betray the Plaintiff trust.
- 1.3 The Defendants admit that the funds were obtained and the 2<sup>nd</sup> Defendant is willing to pay back the sum collected and interest thereon.
- 1.4 The Plaintiff filed summons for entry of Summary Judgment, accompanied by affidavit, list of authorities and skeleton arguments dated August 25<sup>th</sup>, 2025.
- 1.5 The Plaintiff by affidavit evidence, aver that the 2<sup>nd</sup> Defendant accepted that he owes a total sum of K1,100,000.00 as pleaded in the Plaintiff's Statement of Claim.
- 1.6 The Plaintiff avers that the Defendants have by their defence accepted liability and responsibility.
- 1.7 The Plaintiff further avers that the Defendants have not pleaded any defence to any of the Plaintiff's claims and thus Summary Judgment must be entered against the Defendants.
- 1.8 The Defendants did not file any opposition to the application.
- 1.9 This matter was heard on November 10<sup>th</sup>, 2025 on the Plaintiff's application for entry of Summary Judgment.
- 1.10 The Plaintiff submits that the Defendants' defence fails to raise any triable issues and does not raise any defence worth warranting the

Court to set down and hear trial. Reliance was placed on the authorities in the following cases:-

- **International Fund for Agricultural Development vs Ahmad Jacarel (20021) 1ALL ER 161;** and
- **Three Rikers D.C. vs Bank of England (2001) 2 ALL ER 513.**

1.11 At the hearing the 1<sup>st</sup> Defendant did not submit.

1.12 The 2<sup>nd</sup> Defendant submitted that whilst he admits and accepts owing the money he needed 2 months within which to pay the sum.

## 2. **DECISION**

2.1 I have considered the Plaintiff's application and particularly so the Defendant's defence to the Plaintiff's claim. It is clear from the Record that the Defendants admit the Plaintiff's claims against them. As a matter of fact even at the hearing the 2<sup>nd</sup> Defendant placed on Record his admission and asked to be given time within which to pay the sum claimed

2.2 .

2.2 In view of the authority in the case of **Partisanski Put (Zambia) Limited vs Willy Kit Limited SCZ (1977) ZR 357**, I am of the considered view that the Plaintiff is entitled to the grant of Summary Judgment. I find that the Defendants' defence is actually not one for me to set matter down for trial.

- 2.3 I hereby exercise my discretion in favour of the Plaintiff and enter Summary Judgment against the 1<sup>st</sup> and 2<sup>nd</sup> Defendants.
- 2.4 I further Order that the interest rate on the sum claimed is disallowed. Interest on the Judgment sum shall be at Average Short-Term Deposit from date of Writ of Summons to date of judgment. Thereafter rate applicable is in accordance with **Section 2 of the Judgment Act Chapter 81 of the Laws of Zambia.**
- 2.5 Costs for and incidental to this action are awarded to the Plaintiff, to be taxed in default of agreement.

**Delivered at Lusaka on the 12<sup>th</sup> day of December, 2025**



**S. CHOCHO  
HIGH COURT JUDGE**

