

Judgment No. HB 115/06
Case No. HC 4047/04
Xrefs HC 3637/04, 3775/04,
1103/05, 1106/05, 1527/05,
173/03, 1942/05, 1665/05,
1697/04, 2332/04,3501/04

KEYA MUNYUKA

VERSUS

PATRICK MALISWA MAVINGIRE

IN THE HIGH COURT OF ZIMBABWE
NDOU J
BULAWAYO 5 JUNE 2006 AND 26 OCTOBER 2006

Mr R Moyo-Majwabu for the applicant
Respondent in person

Opposed Matter

NDOU J: This matter was set down for hearing at the behest of the applicant. The respondent is opposed to the hearing taking place on the set down date.

From the above mentioned cross references, it is apparent that the matter has been characterised by an unusual high number of applications and counter application arising from the same dispute between the parties. I have gone through these applications and I hold the view that it is convenient to hear the applications together, but, one of the applications is already on appeal before the Supreme Court. Some of these applications are *prima facie* unnecessary. The applicant seeks amalgamation of all these matters. One of the key applications is the one pending before the Supreme Court. It would be improper for such a matter to be heard with the rest of the applications.

The best route, in the circumstances, is to allow the respondent to prosecute his appeal in SC 338/05 to its conclusion before the question of joinder is dealt with.

HB 115/06

Accordingly, the matter is removed from the roll pending the determination of the appeal in SC 338/05. Costs shall be costs in the cause.

James, Moyo-Majwabu and Nyoni, applicant's legal practitioners