

MAXWELL PFACHI

VERSUS

KUDAKWASHE CHIMBWANDA

IN THE HIGH COURT OF ZIMBABWE

NDOU J

BULAWAYO 2 JUNE 2005 AND 16 NOVEMBER 2006

CP Moyo, for the plaintiff
Defendant in person

Trial Cause

NDOU J: The plaintiff has issued summons against the defendant claiming \$500 000 by way of general damages for defamation together with interest thereon and costs of suit. The background facts of the case are the following:

The plaintiff and defendant are workmates employed by the National Social Security Authority in Bulawayo (NSSA). Defendant's wife is also employed by NSSA in Bulawayo.

Sometime on or about April 10, 2003 defendant wrote a letter addressed to Mr Mdlongwa, the Regional manager for the parties' employer. A copy of the same letter was sent to and received by the General Manager the Assistant General Manager (Regions) and the Manager Rehabilitation Centre of the parties' employer. In part of the letter defendant said of plaintiff :-

“at one time he was the manager when my wife joined the authority (NSSA) Mr Maxwell Pfachi destroyed my family life. He was in love with my wife and influenced her to leave me”.

It is plaintiff's case that the said statement defendant was wrongful and defamatory of plaintiff. It was made with the sole intention of defaming plaintiff and to injure his reputation. The statement was understood by the persons that received it and indeed was intended by defendant to mean that plaintiff engaged in adulterous affairs with a workmate's wife. Further that plaintiff gave employment to defendant's customary law wife in return of sexual favours. Further that plaintiff was corrupt and not worthy of holding his office.

Defendant's case is that he had no intention of defaming plaintiff but was seeking redress from their senior Mr Mdlongwa. He further states that in fact it is true that plaintiff had committed adultery with his wife. For this, he counter-claimed the sum of \$5 million for "insult, lost the comfort and services of his wife".

Plaintiff, Maxwell Linkford Pfachi testified in support of his case. He said he is the Senior Compliance Inspector for Bulawayo Region working with other Inspectors. He has been employed by National Social Security Authority for 22 years. He said he knows defendant very well. Defendant joined National Social Security Authority, after he had already done so. Defendant is a driver at NSSA. He enjoyed a good relationship with Defendant until this incident. At one stage when defendant bought a car he provided him with the required security on account of their good relationship. He also knows Priscilla Jekwa, defendant's common law wife as a workmate as well. He said he used to relate well to the defendant prior the allegations forming the subject matter of this action. He said that he received the letter written by the Defendant through the Regional Manager. In fact the latter called him into his office and informed him that he had received the letter from the Defendant. He said copies of the letter had also been received by two Assistant General Managers and the Regional Manager said he had been instructed to resolve the matter between him and the Defendant. The Regional Manager said when the Defendant brought

the letter to him he was crying and alleging that he (the witness) had destroyed his family. He implied that he had taken his wife from him. The plaintiff, however, denied that there was any relationship between him and the defendant's wife. The Regional Manager assembled some elderly women at the workstation to try and assist in resolving his problem with the defendant. These initiatives by the Regional Manager came to naught. The issue then became talk of the corridors.