

Judgment No. HB 95/06
Case No. HC 498/06
X-Ref HC 2834/03; 237/04;
494/03; 2440/05

STANLEY BRUCE ALFRED LONGHURST N.O.

Versus

QUENTINE LEE

And

VISION SITHOLE

And

NKOSANA NCUBE

And

THE REGISTRAR OF DEEDS

IN THE HIGH COURT OF ZIMBABWE
NDOU J
BULAWAYO 23 JUNE AND 5 OCTOBER 2006

Advocate S Nkiwane, for the applicant
A Sibanda, for 1st respondent
B Ndove, for 2nd respondent
S S Mazibisa, for 3rd respondent

NDOU J: The main matter was argued before me and I reserved judgment. Before I could write the judgment, *Advocate Nkiwane*, for the applicant, “filed” or brought to my attention alleged irregularities in the documents filed by the 2nd respondent. I caused all the parties to be invited to be heard on this development. After points raised *in limine* mainly by Mr *Mazibisa* and Mr *Ndove*, *Advocate Nkiwane* then indicated that he had not anticipated this development. He sought postponement to prepare to argue the points raised. I granted the application for postponement but reserved the question of costs. This was done because I considered that liability for costs can be more effectively determined at a later stage –

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Keshavjee v Ismail 1958(4) SA 385 (T) and *Du Preez v Du Preez* 1960(3) SA 388

(N). For record purposes, the costs were reserved until resumption of these proceedings. It is difficult for me to decide whether this application had merit or not before the applicant deals with the issues raised *in limine*.

Ben Baron & Partners, applicant's legal practitioners
Joel Pincus Konson & Wolhuter, 1st respondents legal practitioners
Maronedze & Partners, 2nd respondent's legal practitioners
Cheda & Partners, 3rd respondent's legal practitioners