

**BARBRA LUNGA (in her capacity as the Provisional
Liquidator of Spoornet (Pvt) Ltd)**

Versus

JOHN JOSIAS MOYO

And

BRIAN MOYO

IN THE HIGH COURT OF ZIMBABWE
KAMOCHA J
BULAWAYO 12 OCTOBER 2012 & 21 MARCH 2013

Urgent Chamber Application

KAMOCHA J: On 12 October 2012 applicant in this matter applied for and was granted a provisional order whose interim relief was as follows:-

“Pending the confirmation or discharge of this order, the 1st and 2nd respondents and all those claiming under them be and are hereby ordered to vacate stand 1419 Beitbridge forthwith failing which the Deputy Sheriff be and is hereby authorized to evict them and to restore vacant possession to the applicant or her agents.”

The background information to this matter is briefly this. Barbra Lunga was appointed provisional liquidator of a company known as Spoornet Investments (Pvt) Ltd by an order of this court on 12 September 2012. In the exercise of her powers as a provisional liquidator she requested the respondents to vacate stand number 1419 Beitbridge which belonged to Spoornet Investment (Pvt) Ltd which was at that stage under provisional liquidation. The respondents voluntarily vacated the premises on 21 September 2012.

However, after three weeks respondents had a change of heart and decided to return to the same premises they had allegedly vacated voluntarily. They began to cause trouble by wanting to force their way back onto the premises but were prevented by security guards albeit not for a long time.

On the morning of 10 October 2012 the respondents went to the premises with a truck load of their supporters who were armed with axes, sticks and other dangerous weapons. They forced open the gate and poured into the premises of the company, forcing the security guards to flee. The respondents then announced to the company’s clients that they had taken over and were in charge from then onwards.

That was self help and anarchy. It was a clear case of spoliation. The *status quo ante* needs to be restored.

In the result the court had to issue the provisional order to achieve that.

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