

REVEREND TONY TSHUMA
And
REVEREND ELLIOT NCUBE

Versus

CLEMENT NYATHI
And
JOSEPH MATONGO
And
ABEL HELE MEPHULANGOGAJA
And
PHIBION T. MANYOWA
And
APOSTOLIC FAITH MISSION OF AFRICA
And
THE CHIEF REGISTRAR
And
THE SHERIFF OF THE HIGH COURT
And
THE ADDITIONAL SHERIFF, BULAWAYO

IN THE HIGH COURT OF ZIMBABWE
KAMOCHA J
BULAWAYO 31 MAY 2017

Ruling on application for removal of the case from the roll

T. Masiye-Moyo for the applicants
N. Mugiya for the respondents

KAMOCHA J: This is an application for the removal of this matter from the roll which is based on an order of this court granted on 10 October, 2016 which reads thus:

“It is ordered that:-

The matter be and is hereby removed from the roll to enable the parties to seek a consolidation of all the matters involving this church dispute.”

The parties in that matter were:

Reverence Clement Nyathi and Apostolic Faith Mission of African as applicants versus seven church members namely Chance Nhangwa, Mthandazo Sibanda, Teddy Ndlovu, Oscar Ndlovu, Tracy Ncube, Memory Ncube and Mthokozisi Sibindi.

Mr *N. Mugiya* represented the two applicants while Mr *T. Masiye-Moyo* represented the seven respondents.

In the present matter Mr *T. Masiye-Moyo* represents the two applicants namely Reverend Tony Tshuma and Reverend Elliot Ncube while Mr *N. Mugiya* represents eight respondents namely:- Clement Nyathi, Joseph Matongo, Abel Mephulangogaja, Phibion T. Manyowa, Apostolic Faith Mission of Africa, The Chief Registrar, The Sheriff of the High Court of Zimbabwe and The Additional Sheriff, Bulawayo.

It admits of no doubt that this matter relates to a dispute involving the Apostolic Faith Mission of Africa. It is being brought to court before any attempt has been made by the parties to consolidate all matters involving the Apostolic Faith Mission of Africa Church for reasons only known to the parties themselves. The order of this court is still extant. No attempt has been made to seek an appeal against that order. Yet, sadly the same legal practitioners who appeared for the litigants when the order was granted have brought matters or at least one matter to court in defiance of the court order. That was highly improper. It is obviously unlikely that they brought to the attention of the trial judge the extant order. They were not candid with the court.

The parties should seek to consolidate matters involving Apostolic Faith Mission of Africa Church in the best possible manner bearing in mind that there are about forty such matters. That appeared to be common cause.

In the result this matter is hereby removed from the roll pending its consolidation with other matters involving Apostolic Faith Mission of Africa Church.

Masiye-Moyo & Associates, applicants' legal practitioners
Mugiya & Macharaga Law Chambers, respondents' legal practitioners