

DISTRIBUTABLE (19)

EX-TEMPORE

EZEKIEL CHINOINGIRA
v
(1) SABRE SERVICES (PRIVATE) LIMITED (2) BALWEARIE
HOLDINGS (PRIVATE) LIMITED
[Company Number 45/77]

SUPREME COURT OF ZIMBABWE
BHUNU JA, CHIWESHE JA & MWAYERA JA
18 NOVEMBER 2021

No appearance for the appellant

T. Magwaliba, for the first respondent.

No appearance for the second respondent.

Judgment No: 22/22

Case No: SC 329/21

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BHUNU JA:

1. At the conclusion of submissions by counsel, the Court delivered a unanimous ex-tempore judgment. Counsel for the first respondent has now requested written reasons for the ex-tempore judgment.

2. It was couched as follows:

“We hereby present the unanimous decision of the court.

(a) This is an appeal against the whole judgment of the High Court (the court *a quo*), in which it struck off the roll an urgent application seeking to interdict the respondent from evicting the appellant from a certain farm known as the Remainder of West Hay Sabona Bon without a court order.

(b) The court *a quo* in striking the matter off the roll upheld the point in *limine* raised by the second respondent to the effect that the appellant sued a non-existent entity namely Balware Holdings (Pvt) Ltd as the first respondent.

- (c) It is common cause that on 8 July 2020 the court *a quo* dissolved the first respondent as a company under case number HC 2860/20. The order is still extant.
- (d) It is trite that the order is binding on the parties and the world at large it being a judgment *in rem*, as submitted by Mr *Magwaliba*. We accordingly find that there is no merit in this appeal. Costs follow the result.
- (e) In the final analysis it is ordered that the appeal be and is hereby dismissed with costs.”

CHIWESHE JA I agree

MWAYERA JA I agree

W.O.M. Simango & Associates, respondent’s legal practitioners

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