

FOLY CORNISHE (PVT) LTD
versus
ESTATE LATE MISHECK TAPOMWA
and
SHINGIRAYI TAPOMWA
and
CITY OF HARARE
and
RANT DU TOIT PROPERTY DEVELOPERS (PVT) LTD
and
GUIDEINALL PROPERTIES (PVT) LTD
and
REGISTRAR OF DEEDS
and
MAPHOSA & NDOMENE EGAL PRACTITIONERS

HIGH COURT OF ZIMBABWE
TAKUVA J
HARARE, 7 November 2023 & 15 February 2024

Urgent Chamber Application

L Ziro, for the applicant
R T Mutero, for the 1st, 2nd & 4th respondents
No appearance for the 5th & 6th respondents
E Donzvambeva, for the 7th respondent

TAKUVA J: In this urgent chamber application the applicant seeks the following relief:

“TERMS OF THE FINAL ORDER SOUGHT

That you should cause to this Honourable Court why a final order should not be made in the following terms:

1. 1st, 2nd, 4th, 5th and 7th respondent and anyone claiming right and entitlement through them be and are hereby interdicted, restrained and prohibited from alienating, developing, constructing structures upon, disposing of, marketing, advertising, transferring and/or dealing in any other way with the applicant's immovable property being a certain piece of land situated in the district of Salisbury called Stand 2558 Glen Lorne Township measuring 18,2024 hectares which is held by the applicant under Deed of Transfer (Reg. No. 6050/2006) dated 25 August 2006 in any manner to any persona without the applicant's knowledge, authority and/or specific written consent pending the final adjudication of an action which was instituted by the applicant for a declaratory relief in the matter of *Foly Cornishe (Pvt) Ltd v City of Harare & 3 Ors* under case number HC 3306/20 regarding the validity and legality of the subdivision permit dated 15 June 2011 issued by 3rd respondent in favour of the 1st respondent

2. That 6th respondent shall not transfer the property to any persona without the specific written authority and consent from applicant's dully authorized officials
3. 1st, 2nd, 4th, 5th and 7th respondents jointly and severally be and are hereby ordered to pay costs of this application, the one paying the other to be absolved, on a legal practitioner/client scale if opposed.

INTERIM RELIEF

Pending the return date of this matter:

1st, 2nd, 4th, 5th and 7th respondents and anyone claiming right and entitlement through them be and are hereby interdicted restrained and prohibited from alienating, developing, construction structures upon, disposing, marketing, advertising transferring and/ or dealing in any other way with the applicant's immovable property, being a certain piece of land situated in the district of Salisbury called stand 2558 Glen Lorne Township measuring 18 2024 hectares which is held by the applicant dated 25 August 2006 within 24 hours of the grant of this Interim relief.

2. Applicant be and is hereby permitted to publicize this interim Order in the Herald and any other newspaper and social media circulating within the jurisdiction of the applicant's property barring the 1st, 2nd, 4th and 5th respondents and any other individual or entity from advertising the sale of applicant's immovable property being a certain piece of land situated in the district of Salisbury called stand 2558 Glen Lorne Township measuring 18 2024 hectares which is held by the applicant under Deed of Transfer (Reg No. 6050/2006) dated 25 August 2006 within 5 days of the grant of this Interim Order.

3. 6th respondent be and is hereby interdicted from effecting transfer of applicant's immovable property being a certain piece of land situated in the district of Salisbury called stand 2558 Glen Lorne Township measuring 18 2024 hectares which is held by the applicant under Deed of Transfer (Reg No. 6050/2006) dated 25 August 2006 without the specific written authority and consent from applicant' dully authorized officials.

4. 6th respondent be and is hereby further interdicted from effecting transfer of applicant's immovable property being a certain piece of land situated in the district of Salisbury called stand 2558 Glen Lorne Township measuring 18 2024 hectares which is held by the applicant under Deed of Transfer (Reg No. 8361/2008) dated 18 November 2008 held in the name of 1st respondent.

5. There be no order for costs.”

The application was made as an Ex Parte Urgent Chamber Application but after reading it I directed that it be served on the respondents.

BACKGROUND FACTS

The applicant is the owner of certain piece of land situated in the district of Salisbury called stand 2558 Glen Lorne Township measuring 18 2024 hectares which is held by the applicant under Deed of Transfer (Reg. No 6050/2006) dated 25 August 2006 – See Annexure C. There is an endorsement from the Registrar of Deeds reviving the applicant's title in the property pursuant to a Supreme Court judgment in *Foly Cornishe (Pvt) Ltd & Anor v Shingirai Tapomwa & 5 Ors* SC 26/ 2014 which confirms the applicant's ownership of the property in question. This judgment is extant.

The same judgment of the Supreme Court simultaneously canceled first respondent's title it held under Deed of Transfer (Reg No. 8361/2008) dated 18 November 2008 over the same property on the grounds of *inter alia* nullity- See Annexure D. The Supreme Court judgment. Sometime in October 2008. The second respondent acting in his capacity as Executor Dative of his late father's Estate filed an application in the Magistrates Court in which he sought and was granted an order in default after having served the application on an address unknown and unrelated to the applicant, declaring the property in question to be part of Estate Late Misheck Tapomwa (his father) and was directing the directors of the applicant to sign all necessary papers to effect transfer in the name of the deceased estate failing which the Messenger of Court was given power to sign all papers. The basis of this order was that one of the applicant's directors had "pledged" the land in question to the late Misheck Tapomwa as remuneration and pension. Armed with this order, the property was then transferred to the first respondent without applicant's knowledge or consent.

Upon discovery of this, the applicant sought to have the fraudulently obtained deed in favour of Estate Late Misheck Tapomwa cancelled in terms of s 8 of the Deeds Registries Act [Chapter 20:05] and revival of the original deed of transfer in the name of the applicant in the matter of *Foly Cornishe (Pvt) Ltd & Anor v Shingirayi Tapomwa N.O. & 5 Ors* case number HC 1786/2009. The application was dismissed and an appeal was noted to the Supreme Court under case number SC 300/11. In April 2014 GARWE JA as he then was handed down judgment Number 26/14 cancelling first respondent's fraudulently obtained deed and reviving the original deed in favour of the applicant.

Armed with the Supreme Court judgment the applicant then sought to evict the first and second respondents under case number HC 5888/2014. The application succeeded but before the order could be executed, the second respondent tried to stop execution under case number HC 2956/15. The application was dismissed by MATANDA-MOYO J on the grounds that the first and second respondents had no *locus standi* to even institute the said proceedings as they had no defensible interest on the land at law- see Annexure F. Notwithstanding this judgment, the second respondent canvassed for the compulsory acquisition of this land which actually took place. Applicant then made an application to this court for review of the decision by the Minister of Lands & Rural Resettlement to compulsorily acquire the land belonging to the applicant. The application

was successful and the acquisition was declared illegal per MATHOTSI J (as he then was) see Annexure G.

Applicant then had first and second respondents evicted through a Writ of Ejectment. The eviction was carried out by the Sheriff who filed a return of service. In contempt of and despite the eviction, the first and second respondents somehow found their way back to the property and in 2020 they engaged a development company called Hayes Construction to effect developments on applicant's property without applicant's consent or authorization.

Several roads and small bridges were erected on the property. Prior to the Supreme Court's judgment the second respondent had secured a subdivision permit dated the 15th of June 2011 approved by the third respondent. The second respondent used this subdivision permit to divide the property into 41 residential stands which he had put on the market. Alarmed by this development applicant quickly sought an interdict to stop the illegal developments. The interdict was granted on 3 July 2020. Applicant also filed an application for a declaratur which was postponed *sine die* to allow first and second respondents to secure legal representation.

What necessitated this application is the information applicant received on 22 September 2023 from Bill Curtin insinuating that he had seen applicant's property being advertised by fourth and fifth respondents. Since this information was on social media, applicant searched for the adverts and discovered that indeed the fourth and fifth respondents had put up adverts selling his property without authorization.

APPLICANT'S CASE

The applicant is the owner of the property in dispute. Between 2009 and 2013, first and second respondents were selling stands on applicant's immovable property. Applicant would obtain interdicts to stop them from their unlawful conduct See for example HC 1487/2009. The first and second respondents are clearly repeat offenders who are constantly and consistently disrespecting the orders of this court. Applicant has different plans in mind for its property that do not match the on-going illegal activities that are being carried out by the first, second, fourth and fifth respondents. First and second respondents in particular and fourth and fifth respondent's conduct is hampering applicant from exercising its full and unfettered legal rights over its own property. Further, it is applicant's submission that it is unable to develop the property in terms of that

subdivision permit as the property became the subject of several litigation processes arising out of the fraudulent transfer of its property by second respondent to first respondent

URGENCY

It was contended that the matter is urgent in that applicant stands to lose everything in the event that the second respondent continues to have the property developed and altered from its original form as the applicant has different plans altogether with regards to the property. Further it was submitted that the matter can not wait the observance of the normal procedure and time frames set by the rules as to do so would render negatively the relief sought and will deny applicant the right to exercise its unhindered rights of ownership over its own property.

The applicant stated that the eight day delay period is not inordinate. The Founding Affidavit was signed in South Africa and this took some time. Also the Founding Affidavit contains an explanation for the delay. The need to act arose on 22 September 2023 and this application was filed on 3 October 2023. Applicant's lawyers had to visit the property before drafting papers.

On the foregoing, applicant averred that the matter is urgent and deserves urgent intervention by this court. Applicant has treated this matter as urgent in that soon after being alerted of the illegality on 22 September, the applicant quickly contacted its lawyers who immediately started investigations.

IRREPARABLE HARM

It is applicant's argument that if the property continues to be altered applicant will not be able to restore it to be as such. If first and second respondents were to continue demolishing natural hills erecting bridges and roads and cutting down trees on the property, the replacement of the vegetation will cost the applicant huge sums of money which will leave applicant out of pocket as the illegal structures will need to be removed.

Furthermore, as the first and second respondents continue to dupe people by selling to them illegal stands through fourth and fifth respondents and on social media which land can never be transferred to them, first and second respondent will not be able to pay them back. This will result in irreparable harm to applicant, as it may well be dragged into legal proceedings with third parties and have to incur unnecessary legal expenses because of first, second fourth and fifth respondent's illegal conduct.

NO OTHER SATISFACTORY REMEDY

Applicant submitted that it has no other satisfactory remedy except to seek for an interdict against the first, second, fourth and fifth respondents. If the present situation was to persist, it is doubtful that applicant will be able to claim for damages. Any order of damages would be a *brutum fulmen*.

PRIMA FACIE RIGHT

It is applicant's contention that it has established a *prima facie* right to the property by virtue of the title deed in its name. This proves that the applicant is the *bona fide* owner of the property.

THE BALANCE OF CONVENIENCE.

According to the applicant the balance of convenience favours the granting of an interdict against the respondents. It argued that it is indeed in the interests of justice that the applicant be protected against the first and second respondent's fraudulent conduct especially as the first and second respondents have shown a blatant disregard for the extant court order, namely the Supreme Court judgment which resolved definitively the ownership dispute in applicant's favour.

FIRST AND SECOND RESPONDENTS' CASE

It was argued on their behalf that the matter is not urgent in that while the need to act arose on 22 September 2023, the applicant only filed this application on 2 October 2023. There is no explanation as to what was happening for a whole week between 22 September and 2 October 2023. Also it was submitted that the applicant did not treat the matter as one of urgency. Therefore, the matter is not urgent and ought to be struck off the roll of urgent matters with costs.

The second point *in limine* taken by first and second respondents is that the relief sought in the interim is the same as the final relief. Respondents complained that the appellant want to obtain final relief on the basis of a *prima facie* right and if the relief sought is granted, applicant will have no need to prosecute its matter further. The matter ought to be struck off the roll with costs as it is fatally defective so the argument goes.

Thirdly, it was argued *in limine* that the applicant has an alternative remedy in that it can place a caveat on the stand's title deeds. Finally respondents alleged that applicant can sue for damages.

On the merits first and second respondents claimed that the land in question does not belong to the applicant as the title deed is tainted with illegality. The second respondent alleged that his late father one Misheck Tapomwa was allocated stand 2558 Dulverton Drive Glen Lorne by Glen Litchen (Pvt) Ltd through Mr Humpreys, the beneficial owner of Glen Litchen (Pvt) Ltd. According to second respondent his late father was owed either arrear salaries or terminal benefits by Mr Humpreys. Instead of being paid cash, he was given the stand in issue. As proof of this averment second respondent attached supporting affidavit from the following people:

1. Dereck Madzikanda
2. Tarik Adam
3. Musevenzo Davis Dauramanzi
4. Morrison Mahachi

Allegations of fraud were strenuously denied by the second respondent. Instead, he claimed that fraud was committed by applicant when he obtained title belonging to his late father. As regards the subdivision permit, second respondents defended it as valid making the development legal. He also denied giving the fifth respondent any mandate to work on the land and he believes his right to the land arises from his late father's entitlement to the land and the subdivision permit. He accepts that he has carried out a lot of "developments on the land" in terms of the development permit while applicant has not done anything since 2011 when the permit was issued. The second respondent insisted that since the applicant has not exercised any ownership rights since the litigations in 2020, it cannot allege any hindrance now. It follows that there is no question of irreparable harm as land is not a finite resource.

It was further contended that the application seeks an interdict against the sale of land and not development of land. There is no allegation and proof of any illegal developments in the Founding Affidavit. There is no allegation of continued development. Applicant has alternative remedies and the balance of convenience favours dismissal of the application with costs.

FOURTH RESPONDENT'S CASE

The fourth respondent's position is that it has no say in the matter and will abide by the decision of the court in so far as it is not mulcted by costs. It however admitted that it was hired by the second respondent unaware of all the disputes between the two protagonists.

There was no appearance for the fifth and sixth respondents.

SEVENTH RESPONDENT'S CASE

It was argued on behalf of the seventh respondent that the General Division of the High Court has no jurisdiction to grant the relief sought against it. The argument is that to the extent that the applicant seeks to interdict seventh respondent from transferring the property, the dispute becomes commercial. Seventh respondent, it is contended, is being sued in its commercial duty, therefore it becomes a business dispute that fits in the definition in the regulations. On this ground, it was submitted that the application as related to the seventh respondent must be struck off the roll with costs at a higher scale.

The second ground upon which seventh respondent opposed the application is that citing the seventh respondent is unconstitutional in that it contravenes s 64 of the Constitution which guarantees the freedom to conduct business and practice one's trade. There is no need for applicant to bar seventh respondent for two reasons. Firstly it is not a party to the legal dispute and secondly that so far no instructions or mandate have been received by any member of the seventh respondent to transfer applicant's property. Further, there is no agreement of sale involving seventh respondent.

Accordingly, the seventh respondent prayed for the dismissal of the matter on these points *in limine*. It had no meaningful submissions to make on the merits.

I now deal with the points *in limine* raised by the respondents starting with those raised by the first and second respondents. Their first point *in limine* is on urgency. I do not agree with Mr Mutero's submission that the 8 day delay *in casu* is inordinate for the reason that the applicant explained the causes of the delay satisfactorily in my view. It is common cause that the Founding Affidavit was signed in South Africa. The fact that applicant's lawyers had to verify facts on the ground before filing papers cannot be termed unreasonable in my view. Taking into account all the surrounding circumstances, I find that the applicant treated the matter as urgent. The application is not one that should join the queue for to do so will result in irreparable harm to the applicant arising from second respondent's illegal activities. I accordingly find that the point *in limine* has no merit and is hereby dismissed.

The second point *in limine* taken by the first and second respondents is that the relief sought in the interim is the same as the final relief. I shall not allow this point to detain me much because

it is clearly unmeritorious. A simple examination of the two reveals their material differences. The interim order is from the date of granting up to the return date. On the other hand, the contents of the final order are different in that para 2 of the interim order is missing from the final order. Also para 1 of the final order is to govern the parties affairs until the dispute regarding the permit is finalized. I find that this point *in limine* has no merit. It is hereby dismissed.

The submission that the applicant has alternative remedies is shocking. Firstly it was argued that applicant can place a caveat on the property's title deeds. Surely a caveat cannot protect applicant's property from being advertised for sale. Neither can it protect the property from the illegal developments. Secondly it was argued that applicant can sue for damages as an alternative remedy.

What in my view is indicative of first and second respondents' lack of the financial means to meet any claims for damages is the fact that they are fraudulently developing and selling applicant's property. In light of the circumstances any order of damages will be a *brutum fulmen*. The first and second respondents' illegal developments have already led to the massive destruction of the natural state of the property and flora. Damages of his nature are extremely difficult to quantify. In the result I find this point *in limine* to be without merit. Accordingly, it is hereby dismissed.

As regards the first point *in limine* about lack of jurisdiction. I take the view that the point is unmeritorious. In my view a dispute in these circumstances cannot be described as a commercial dispute in that it does not involve day to day trading. An interdict is a common law remedy that deals with enforcement of rights. Its cornerstone is the protection of rights to property.

The seventh respondent has been properly cited because it is the vehicle through which the violation of rights will be effected. They can make the illegal transfer possible. In any event the seventh respondent does not deny that its name was listed in the advertisement as the first and second respondent's "conveyancers". All they say is it is insufficient. However, sight should not be lost that all that the applicant must prove is a *prima facie* case on a balance of probabilities even where this right is open to some doubt. This is trite law.

In any event s 171 of the Constitution of Zimbabwe Amendment (No. 20) Act 2013 states *inter alia* that the High Court has original jurisdiction over all civil and criminal matters throughout Zimbabwe. Therefore, even assuming that the matter is of a commercial nature, the argument that

this ousts the jurisdiction of the General Division lacks merit. Such a defence can not defeat the applicant's right to protection.

The argument that the relief will violate seventh respondent's freedom of profession, trade or occupation is not supported by the evidence. Section 64 of the Constitution of Zimbabwe states:

“64. Every person has the right to choose and carry on any profession, trade or occupation, but the practice of a profession, trade or occupation may be regulated by law.” Quite clearly the right is not absolute. It is susceptible to limitations. I do not agree that a court order or judgment cannot limit this right.

In any event, the relief sought itself shows that the restrictions are to apply only to the applicant's property. Such a limitation if granted is justified in my view.

In the result I find that this point *in limine* has no merit and it is hereby dismissed. On the merits, it is necessary to briefly lay out the law on interdicts.

Requirements of an Interdict

For an application for an interdict to be granted, the applicant has to satisfy the court that:

1. the right which is the subject matter of the main action which he seeks to protect by means of an interim relief is clear or if not clear, is *prima facie* established though open to some doubt;
2. if the right is only *prima facie* established, there is a well grounded apprehension of irreparable harm to the applicant if the interim relief is not granted and he ultimately succeeds in establishing his right;
3. that the balance of convenience favours the granting of the interim relief;
4. the applicant has no other satisfactory remedy; and
5. there are prospects of success in the main matter.

See *Setlego v Setlego* 1914 AD 22 at 227.

L F Boshoff Investments (Pvt) Ltd v Cape Town Municipality 1969 (2) S A 256 (C) at 267A-F.

C B PREST: *The Law and Practice of Interdicts* Juta & Company 2014 9th impression at p 50.

Application of the Law to the facts

Any person or legal entity that seeks an interdict has to establish a *prima facie* right which however can be open to some doubt. It is trite that interdicts are based on rights that is, rights which in terms of the substantive law are sufficient to sustain a cause of action.

In casu, I find that the applicant has managed to show a right which is being infringed or which he apprehends- will be infringed. Applicant has established a *prima facie* right by *virtue* of the title deed in its name – see Annexure C. This proves a strict legal right to the property and not just a moral right. Further this right has been confirmed by the following judgments:

1. Supreme Court No. 26/14

2. *Foly Cornishe (Pvt) Ltd v Estate late Misheck Tapomwa & Anor N.O.* HC 5855/14

APPREHENSION OF IRREPARABLE HARM

That applicant is the *bona fide* registered owner of the property in question has not been rebutted this far. In my view the issue is whether or not applicant's apprehension of fear is reasonable in light of the following facts:

- a) Respondents especially the second respondent have not denied that they are carrying out developments on the land. Their argument is that the property belongs to them. I must point out that this is a bald allegation in that they have not attached any proof of ownership. In my view respondents can produce as many affidavits from the late Misheck Tapomwa's friends, associates and relatives as they want but the fact remains that these cannot create a right of ownership in the immovable property in question. This argument is buttressed by the fact that the Supreme Court already has dismissed this argument under SC 26/14.
- b) The respondents have and are altering the state of the property contrary to the plans applicant has for the property.
- c) Vegetation is being destroyed.
- d) The flow of the river is being disturbed and the hill has been dug into, completely changing its outlook.
- e) The second respondent continues to subdivide and dispose of the stands on the property.
- f) Due to the second respondent's conduct a lot of innocent third parties will end up laying claims to the property after being swindled of their monies and will drag the applicant into the proceedings. This has already occurred under the matter of *Hayes Construction v Foly*

Cornishe HC 4765/20 wherein the plaintiff is seeking damages from applicant herein for the illegal development which applicant had no knowledge of but which was instigated by first and second respondents – see Annexures O, Y and Y2.

It should be noted that the test is objective and the applicant is not required to establish that, on a balance of probabilities flowing from undisputed facts, injury will follow; he has only to show that it is reasonable to apprehend that injury will result. On the basis of the above proven facts, I conclude that there is a sound basis for the entertainment of a reasonable apprehension of irreparable harm by the applicant.

THE BALANCE OF CONVENIENCE

According to Prest *supra* at p 72

“... the court must weigh the prejudice the applicant will suffer if the interim interdict is not granted against the prejudice to respondent if it is. The exercise of the discretion of the court in the granting of an interdict or otherwise, usually resolves itself into a consideration of the prospects of success and the balance of convenience, the stronger the prospects of success the less the need for such balance to favour the applicant; the weaker the prospects of success the greater the need for it to favour him. The essence of the balance of convenience is to try to assess which of the parties will be least seriously inconvenienced by being compelled to endure what may prove to be a temporary injustice until the just answer can be found at the end of the trial...”

In *casu*, the balance of convenience tilts in favour of granting the interdict for the following reasons:

- a) There are strong prospects of success in the pending declaratory matter as third respondent who issued the permit did not file any notice of opposition and first and second respondents as the recipients of the illegal permit cannot claim greater rights if the office that issued the subdivision permit has not opposed the relief. The great prospects favour the applicant.
- b) The respondents will not be seriously inconvenienced by the granting of the interdict as they clearly have no right to unlawfully develop the property. If they are successful, they will resume developments as per their original plan. The same can not be said about the applicant.

Further, the applicant’s prospects of success in the declaratory case filed under HC 3306/20 are strengthened by the fact that the subdivision permit that is being used by first and second respondents is clearly invalid as it was issued on the basis of an illegally obtained deed that has since been cancelled by the Supreme Court.

Applicant has no other satisfactory remedy

This point has been adequately considered under points *in limine*. As I pointed out that first and second respondents' argument that applicant has an alternative relief of damages is without merit as this is in the circumstances not an adequate and satisfactory option.

On the basis of the above exposition, it cannot be doubted that the applicant has proved all the requirements for a temporary interdict. Applicant's counsel agreed that he will amend the costs clause in the final interdict to exclude the fourth respondent from liability.

In the result, **it is ordered in the interim as follows:**

Pending the return date of this matter.

1. 1st, 2nd, 4th, 5th and 7th respondents and or anyone claiming rights and entitlement through them be and are hereby interdicted, restrained and prohibited from alienating, developing, constructing structures upon, disposing of, marketing, advertising, transferring and/or dealing in any other way with the applicant's immovable property being a certain piece of land situated in the district of Salisbury called stand 2558 Glen Lorne Township measuring 18, 2024 hectares which is held by the applicant under Deed of Transfer (Reg. No 6050/2006 dated 25 August 2006 in any manner to any persona without the applicant's knowledge, authority and/or specific written consent.
2. 1st, 2nd, 4th and 5th respondents be and are hereby ordered to remove and take down all advertisements from all Social Media and online Media platforms of applicant's immovable property being a certain piece of land situate in the district of Salisbury called stand 2558 Glen Lorne Township measuring 18, 2024 hectares which is held by the applicant under Deed of Transfer (Reg No. 6050/2006) dated 25 August 2006 within 24 hours of the grant of this Interim relief.
3. Applicant be and is hereby permitted to publicize this Interim Order in the Herald and any other newspaper and social media circulating within the jurisdiction of the applicant's property barring the 1st, 2nd, 4th, 5th respondents and any other individual or entity from advertising the sale of applicant's immovable property being a certain piece of land situated in the district of Salisbury called stand 2558 Glen Lorne Township measuring 18 2024 hectares which is held by the applicant under Deed of Transfer (Reg No. 6050/2006) dated 25 August 2006 within 5 days of the grant of this Interim Order.
4. 6th respondent be and is hereby interdicted from effecting transfer of applicant's immovable property being a certain piece of land situated in the district of Salisbury called stand 2558 Glen Lorne Township measuring 18, 2024 hectares which is held by the applicant under Deed of Transfer (Reg No. 6050/2006) dated 25 August 2006 without the specific written authority and consent from applicant's duly authorized officials.
5. 6th respondent be and is hereby further interdicted from effecting transfer of applicant's immovable property being a certain piece of land situated in the district of Salisbury called stand 2558 Glen Lorne Township measuring 18, 2024 hectares which is held under the cancelled Deed of Transfer (Reg No. 8361/2008) dated 18 November 2008 held in the name of 1st respondent.
6. There be no order for costs."

SERVICE OF ORDER

1. The service of this order and accompanying documents shall be effected upon the 1st, 2nd, 3rd, 4th, 5th, and 7th respondent by the Sheriff of the High Court of Zimbabwe.
2. The service of this order and accompanying documents shall be effected upon the 6th respondent by the applicant's legal practitioners of record.
3. Pending the return date, this order shall act as interim interdict upon the 1st, 2nd, 3rd, 4th, 5th, 6th, and 7th respondents.

Dzoro & Partners, applicant's legal practitioners

Maposa & Ndomene, first, second, fourth and seventh respondents' legal practitioners