

SIFIKILE NCUBE

Versus

RURAMAI MOYO

HIGH COURT OF ZIMBABWE
ZISENGWE J
MASVINGO, 30 January & 21 March 2024
Judgment delivered on 28 August 2024.

T. S Chidyamakono for the plaintiff
N. Mugiya, for the 2nd defendant

Civil Trial

ZISENGWE J: Nestled deep in village Mhawu under chief Mafala in rural Zvishavane is the Ncube homestead. It is home to the parties whose unregistered customary law union spiralled downwards and turned fractious before being terminated. It is the question of to whom as between them that this homestead (among other properties) is to be awarded following the demise of their union that arguably constitutes the main subject matter of this dispute.

Incidentally, also up for distribution is another immovable property, namely Stand number 1545 Makwasha Zvishavane (“the urban house”). This property is a four-bedroomed structure sitting on approximately 360 square metres, if the defendant’s estimate of its size anything to go by.

Although the parties additionally haggle over the distribution of some of their movable assets (which include motor vehicles, cattle, sheep and certain tools), undoubtedly the main bone of contention is the distribution of the two immovable properties.

Broadly speaking, the plaintiff’s position is that he should be awarded both immovable properties. He avers that the properties were acquired through his sole exploits and industry. As

justification for being awarded the rural home he assets that he acquired it as an inheritance from his late uncle Kore Ncube and therefore that it cannot fall for distribution. As for the urban property, he avers that he acquired it as a benefit from his employment at Mimosa Mine and that the defendant made no meaningful contribution thereto.

The defendant's position on the other hand is that she should be awarded the rural home for three reasons. Firstly, that it was acquired through her engagement with the local traditional leadership. Secondly, that the property was developed through her industry (through horticulture and poultry projects) which exceeded plaintiff's income. Thirdly, that she would be unfairly prejudiced if the rural home is awarded to the plaintiff given that unlike the plaintiff she lacks the financial wherewithal to start afresh without a formal income. Related to the latter is her contention that not only is the urban property incomplete and unsuitable for human habitation, but also that the stand size is so small as to be incapable of supporting any meaningful horticulture and poultry projects.

The Background

The parties as earlier stated were in an unregistered customary law union. It is common cause that the said union came into existence in 1995 and that it was blessed with six children. One of the children has since passed away and of the remaining five, three of the children have since attained majority status. The relationship however soured and was formally terminated by the exchange of the *gupuro* divorce taken.

This was immediately followed by the plaintiff issuing out summons from this court seeking an order for the sharing of the property acquired during the subsistence of the union. Pertinent to note is that he sought an order awarding the urban home to their five children presumably in equal and undivided shares.

He did not include the rural home in his summons and declaration. He however included a host of movable items including some motor vehicles, livestock and household furniture.

The defendant entered appearance to defend and simultaneously with her plea, she filed a claim in reconvention. She then specifically placed the rural home into the matrix in addition to listing fifty items (or sets of items) which the plaintiff had omitted to mention in the summons and declaration. She then proposed her own formula of division incorporating the properties omitted

by the plaintiff. Significantly, she proposed that she be awarded the rural home and the movable items she enumerated therein. She also proposed that the urban home be awarded to the children.

In his replication (and plea to the claim in reconvention) the plaintiff disputed that some of the items listed by the defendant constituted matrimonial property. Significantly he averred that he be awarded the rural home.

At the Pre-Trial Conference (PTC) held before MAWADZE J (as he then was) there was some convergence in respect of certain movable items listed in the PTC referral minute. The parties however could not agree on the following properties- the rural home, the urban home, three motor vehicles, namely a Nissan Vanette, a Honda Fit and a Toyota Ipsum. They also failed to agree on certain fixtures on the rural home comprising of a grinding mill, a tank stand, and certain irrigation equipment.

The number (hence distribution formula) of livestock (consisting of cattle and sheep was placed squarely in issue. Finally, the ownership (hence whether they fall for distribution) of two power tools - a grinder and a welding machine was put in issue.

The evidence

A total of four witnesses (two for either side) testified in the trial which ensued. For the plaintiff's case it was the plaintiff and his brother Jabulani Ncube. For the defendant it was the plaintiff herself and the chief's aide (and brother), one Ntokozisi Matshazi. A synopsis of each of their evidence follows.

The evidence of the plaintiff Sifikile Ncube.

As far as the rural home is concerned it was plaintiff's evidence that this homestead has since time immemorial been in the Ncube clan. He testified that he inherited it from his late paternal uncle Kore Ncube (Kore) who in turn had inherited it from his own mother (i.e. plaintiff's grandmother).

He gave an elaborate account dating back to the 1980's when he (i.e. plaintiff) was "given" to Kore following Kore's divorce. According to him, upon that divorce, Kore's wife left with the children leaving him Kore alone. It was then decided as per custom that he (i.e. plaintiff) be "given" to (Kore) as the latter's own child. It was therefore a kind of loose or informal customary adoption. Further, according to him, when Kore later passed away, it was only natural that he would inherit Kore's homestead, which he hid.

Several years later Kore's grandchildren and great grandchildren resurfaced. It is common cause Kore's grandchildren (i.e. plaintiff's nephews and nieces) currently reside at the rural homestead in question. This much was confirmed by the defendant.

Be that as it may, it was the plaintiff's evidence that having thus inherited the homestead, he subsequently proceeded to develop it from his employment earnings into the state that it is in currently. Needless to say, he would vehemently dispute defendant's version that she and the plaintiff acquired it as virgin land which they supposedly developed. He would point to the existence of the graves of his departed relatives (particularly that of his paternal grandmother) on that stand as evidence confirming his version and refuting that of the defendant.

He would also refute suggestions that the defendant is engaged in viable agricultural projects on that homestead. He would equally dismiss defendant's contention that she needs the rural homestead in order to support their children and pointed out that there is an extant maintenance order against him which takes care of that.

He was confronted during cross examination with a letter by the local chief (Chief Mafala) ostensibly confirming that the stand on which the homestead is constructed was given to him and the defendant. He disputed this alleging that the chief had vested interests in the whole matter. He did not elaborate. He further claimed that the chief was meddlesome in his domestic affairs which in part led to the collapse of his marriage to the defendant. The implication in his responses was that the chief was biased and should not be believed.

He also denied during cross examination that the land in question was virgin at the time of its allocation to him, pointing out as he did that this land was given to him, the current chief was not even on the throne.

He equally denied assertions put to him during cross examination that the stand was allocated to him at the juncture of his marriage as per custom. He would insist in this regard that he inherited it from the late Kore in circumstances articulated herein before. He did not hold back-retorting as he did that the chief simply lied in that letter.

Ultimately in this regard he insisted that the rural home should be awarded to him as the defendant has no right to cling on to it post their "*divorce*".

As far as the urban house is concerned, it was his evidence that he acquired it as a benefit from his employment in 2004. According to him firstly it was a “core-house” consisting of a two-roomed structure. He claims to have developed it into the 4 bedroomed house it is today.

He would deny that, that house is not fit for human habitation and pointed to the fact that there are currently three tenants in occupation thereof alongside the defendant as evidence of its habitable state.

He further testified that the defendant did not contribute anything either directly or indirectly towards the acquisition or development.

With regards to the cattle it was the plaintiff’s position that he only has 12 cattle, six of which were part of his inheritance from his late father. He scoffed at defendant’s claim that there are 26 cattle and pointed out that some perished due to disease. He categorically refuted assertions put to him in cross-examination that according to a letter by the Chief he had 19 beasts in all.

He explained that some of the beasts which defendant counted belong to his sister and the other belong to his brother bringing the total to 25. The reality according to him, however, is that only the 12 referred to above belong to him. He therefore offered the defendant 3 heard of cattle.

He further indicated under cross examination that his cattle do not partake in the communal dip tank as he quarantined his cattle and utilises a spray mechanism at his homestead. He therefore dismissed the figures supposedly acquired by the chief from the local dip tank attendant, one John Makokoba. Similarly, he dismissed the figures of his cattle ostensibly supplied by the Chief Veterinary officer.

As far as the sheep are concerned, he indicated that he was “offering” the defendant two from flock of six.

He testified that as far as the grinder and welding machine are concerned, these belong to his nephew one Lungile Mahlangu.

Finally, as far as the motor vehicles are concerned, he was emphatic that the defendant should get none of the three motor vehicles. He expressed disappointment that the Toyota Ipsum which she got via a protection order was being driven around by a male whom he believes is defendant’s lover. He described this development as hurtful.

During cross examination he explained that he is still paying monthly instalments for the Honda fit motor vehicle hence according to him it cannot be awarded to the defendant.

The evidence of Jabulani Ncube

This witness is the plaintiff's brother. He also happens to be current village head. His homestead is across the road from that of the parties. His evidence related to three main issues, namely the acquisition of the rural home the number of cattle owned by the parties and the two power tools in question.

His version of how the plaintiff acquired the rural home is identical to that of that of the plaintiff. In short, he insisted that this particular homestead has always been in the Ncube clan. More specifically he testified that it was owned by their paternal grandmother and it is the homestead on which their (i.e. his and plaintiff's) father was born in 1918. In short therefore he confirmed that this late paternal uncle Kore and his wife divorced and the latter left with the children, that the plaintiff as the youngest of the siblings in their family was "given" to Kore in an informal adoption arrangement (for want of a better expression). He further confirmed that when Kore passed away in 1992, plaintiff remained in occupation. He also testified that Kore is buried on that very homestead which defendant wants to lay claim and so too is Kore's mother (i.e. plaintiff and witness's grandmother) He therefore dismissed the notion that somehow the defendant acquired the stand through her initiative. It was his testimony that although there was no one in physical occupation of that stand for some time following the demise of Kore, it was not open to doubt that the homestead had always been in the hands of the Ncube clan.

As far as the beasts owned by the parties is concerned, the witness testified that the plaintiff currently has 10 beasts only following the recent death of two of them. Needless to say, he disputed the defendant's version that plaintiff has 24 beasts.

He explained that he and the plaintiff use a common kraal or cattle pen which perhaps explains the defendant's error. In this regard he testified that he has eight heard of cattle and his sisters another 6. He would further explain under cross examination that as the incumbent village head he is in a position to know the beasts owned by members of his community not least the plaintiff.

He would deny under cross examination that his evidence was part of a ploy to settle a score with the defendant who incidentally obtained a protection order against him. While acknowledging that a village head is subordinate to a chief, he would nonetheless dismiss the idea

that the defendant acquired the land as virgin land. He described the chief's version as fraudulent or deceitful which chief in any event was not even on the throne when plaintiff ended up using that piece of land.

With regards to the grinder and welding machine, it was his evidence that these belong to a nephew of them and that he too occasionally uses these power tools.

The defendant's case

The evidence of the Defendant Ruramai Moyo.

According to her the rural home was allocated to her and the plaintiff in 1999 by the then village head who happened to be plaintiff's paternal uncle, one Susani Ncube. She and the defendant commenced to reside on that homestead the following year. She insisted that it was virgin land and there were neither built structures nor graves on it. She further indicated that there are other people who are not of the Ncube clan in the area. She was adamant that to date there are no graves within this yard but that they are located across the road within Jabulani Ncube's homestead and some are in the fields.

It was her further evidence that she also contributed significantly towards the construction of the homestead and that her irrigation and gardening exploits and her endeavours as a poultry farmer of repute far outstripped the plaintiff's earnings.

She therefore insisted that in light of the manner of the acquisition of the rural home, her contribution towards its development and the fact that she is unemployed and is likely to have any other source of income, she should be awarded the rural home ahead of the plaintiff. It was her position that if she is awarded the rural home she would continue looking after their children alongside Kore's grandchildren and great grandchildren who are currently residing on that homestead.

Conversely, it was her evidence that should she be awarded the urban house (with the plaintiff being awarded the rural home) she would be greatly prejudiced given its relatively smaller size, its current state (which she describes as poor) and her inability (in potential) to maintain it. This is particularly given that she has custody of 4 of their children.

She however confirmed that three of the four bedrooms of that house are currently occupied by tenants.

As far as the motor vehicles are concerned, she implored the court to award her the Honda fit and the Ipsum motor vehicles and with the plaintiff receiving the tractor and Vanette.

She explained that the man who plaintiff saw driving the Ipsum motor vehicle is someone she hired to operate that vehicle as a taxi and not her lover.

With regards to the cattle her evidence was to the effect that there are 18 cattle up for distribution. She denied that plaintiff inherited six cattle and pointed out that he only received two with the other four being inherited by the siblings. She however confirmed that plaintiff's brother Jabulani utilises their kraal as he does not have one of his own. She would explain that although in her plea she had indicated that there were 24 beasts, some of them have since died leaving the current number at 18.

She also proposed in her evidence an equal sharing of the two contested power tools, welding machine and the grinder. With her getting either one of them and the other being awarded to the plaintiff.

The evidence of Ntokozisi Matshazi

The witness is a brother and aide to Chief Mafala (Jongilizwa Matshazi). His evidence related to two main issues namely the rural home and the cattle. Although he currently resides at a farm a considerable distance from the village in question, his original house is very close (some 400 -500 metres according to the evidence) to the parties' rural homestead.

The critical part of his evidence was that the land upon which the contested homestead is constructed was allocated to the plaintiff by the then village head (who was plaintiff's paternal uncle) Susani Ncube. According to him it was a bushy uninhabited virgin land. Further, according to him the land which had structures on it was allocated to plaintiff's sister who is now late. It was also his evidence that the sister's homestead is where the graves of the Ncube clan are situated (including that of Kore). The others, according to him, are on Jabulani Ncube's stand.

He further explained that plaintiff's homestead is separated from that of his late sister by a branch fence.

As regards the cattle, it was his evidence that the plaintiff has 18 cattle according to the dip attendant's count (upon the instructions of the chief).

The applicable law

At the PTC the parties agreed that their dispute is governed by s41(1) of the Marriage Act, [Chapter 5:17]. The said provision generally deals with civil partnerships upon whose termination the distribution of assets is governed by Section 7 of the Matrimonial Causes Act [Chapter 5:13]. It reads:

“41 Civil partnerships

(1) A relationship between a man and a woman who—

- (a) are both over the age of eighteen years; and
- (b) have lived together without legally being married to each other; and
- (c) are not within the degrees of affinity or consanguinity as provided in

section 7; and

(d) having regard to all the circumstances of their relationship, have a relationship as a couple living together on a genuine domestic basis; shall be regarded as being in a civil partnership *for the purposes of determining the rights and obligations of the parties on dissolution of the relationship and, for this purpose, sections 7 to 11 of the Matrimonial Causes Act [Chapter 5:13] shall, with necessary changes, apply on the dissolution of any such relationship.*” (Italics for emphasis)

Section 7 of the Matrimonial Causes Act on the other hand sets out the object of the distribution of assets of the parties upon divorce namely to - “endeavour as far as is reasonable and practicable and, having regard to their conduct, is just to do so, to place the spouses and children in the position they would have been in had a normal marriage relationship continued between the spouses.”

It also sets out an overall blue-print of the factors the court should take into account in its quest for an equitable distribution of those assets. It provides in subsection 4 as follows:

“(4) In making an order in terms of subsection (1) an appropriate court shall have regard to all the circumstances of the case, including the following—

- (a) the income-earning capacity, assets and other financial resources which each spouse and child has or is likely to have in the foreseeable future;
- (b) the financial needs, obligations and responsibilities which each spouse and child has or is likely to have in the foreseeable future;

- (c) the standard of living of the family, including the manner in which any child was being educated or trained or expected to be educated or trained;
- (d) the age and physical and mental condition of each spouse and child;
- (e) the direct or indirect contribution made by each spouse to the family, including contributions made by looking after the home and caring for the family and any other domestic duties;
- (f) the value to either of the spouses or to any child of any benefit, including a pension or gratuity, which such spouse or child will lose as a result of the dissolution of the marriage;
- (g) the duration of the marriage”

The jurisprudence around division of assets upon divorce has developed over the years. One of the leading cases on this subject is that of *Takafuma v Takafuma* 1994 (2) ZLR 103 (S) where the following was said:

“The duty of a court in terms of s 7 of the Matrimonial Causes Act involves the exercise of a considerable discretion, but it is a discretion which must be exercised judicially. The court does not simply lump all the property together and then hand it out in as fair a way as possible. It must begin, I would suggest, by sorting out the property into three lots, which I will term his, hers, and theirs. Then it will concentrate on the third lot marked theirs. It will apportion this lot using the criteria set out in s 7(3) of the Act. Then it will allocate to the husband the items marked his, plus the appropriate share of the items marked theirs. And the same to the wife. That is the first stage.

Next it will look at the overall result, again applying the criteria set out in s 7(3) and consider whether the objective has been achieved, namely, as far as is reasonable and practicable and, having regard to their conduct, is just to do so, to place the spouses ... in the position they would have been in had a normal marriage relationship continued

Only at that stage, I would suggest, should the court consider taking away from one or other of the spouses something which is actually his or hers.”

Similarly, in *Gonye v Gonye* 2009 (1) ZLR 232, at 236 H-237B MALABA JA (as he then was) had this to say:

“It is important to note that a court has an extremely wide discretion regarding the granting of an order for the division, apportionment or division of the assets of the spouses in divorce proceedings. Section 7(1) of the Act provides that the court may make an order with regard to the division, apportionment or distribution of the assets of the spouses including an order that any asset be transferred from one spouse to the other. The rights claimed by the spouses under s 7(1) are dependent upon the exercise by the court of the broad discretion”.

See also *Coumbis v Coumbis & Anor* SC- 130-21 & *Teejay Sibanda v Hilda M Sibanda* SC-14

It is against the backdrop of the above principles that the division of the assets of the parties will be determined.

The rural home

As intimated right at the onset, this asset undoubtedly lies at the very heart of this dispute. Although the parties gave diametrically opposite version on how the land on which the homestead was acquired, the probabilities weigh heavily in favour of the plaintiff's version, here is why. Firstly, it is highly improbable that this land was virgin land in the sense of it never having been inhabited before considering that it is virtually surrounded by the homesteads belonging to members of the plaintiff's family.

The undisputed evidence is that plaintiff's brother Jabulani's homestead is situated across the road, the plaintiff's sister homestead is divided by a mere branch fence from that of the plaintiff. More tellingly, the uncontroverted evidence is that the graves of the plaintiff's ancestors are either on this very homestead (according to the plaintiff's version) or only lie a few metres away; in the fields (according to the defendant's version) or within the plaintiff's sister's yard (according to the version of the defendant's witness, Ntokozisi Matshazi). Whichever version one accepts, the probabilities favour a finding that the stand in question has always been within the Ncube clan. Jabulani's undisputed evidence was that this piece of land has been in the hands of the Ncube clan for over a century (his father was born in 1918)

In other words, it is highly improbable if not outright preposterous to suggest that Jabulani's homestead is adjacent (separated only by a road) to the disputed homestead by mere coincidence

The version of the plaintiff that he inherited the stand from his late paternal uncle Kore Ncube rings true. Not only was it corroborated by Jabulani but also finds support from the very fact that Kore's descendants are currently resident on that stand. This much was confirmed by the defendant herself.

It is, in my view to stretch the bounds of credibility to suggest that the defendant who hails from Mberengwa would upon the inception of her marriage to the plaintiff somehow manage to obtain a virgin piece of land right next to plaintiff's brother, right next to plaintiff's sister and a stone's throw from the graves of plaintiff's ancestors.

It is common knowledge that customary law marriages in Zimbabwe are generally patrilineal and patrilocal. The former concept resonates with the plaintiff's version that he inherited that piece of land from his late uncle Kore who had basically taken him as one of his sons when his wife left his own biological children. The latter concept on the other hand is in sync with the defendant having moved onto the Ncube clan as a daughter in law to that family.

In terms of subsection 3 of s7, such property as the rural home in question is exempt from the distribution formula by virtue of being inherited or by virtue of it being intended to be held by the party personally in terms of customary law. It reads:

- (3) The power of an appropriate court to make an order in terms of paragraph (a) of subsection (1) shall not extend to any assets which are proved, to the satisfaction of the court, to have been acquired by a spouse, whether before or during the marriage—
- (a) by way of an inheritance; or
 - (b) in terms of any custom and which, in accordance with such custom, are intended to be held by the spouse personally; or
 - (c) in any manner and which have particular sentimental value to the spouse concerned.

It is on that basis that the rural home cannot be awarded to the defendant. It is a property that defendant obtained through inheritance from his late uncle Kore.

Stand No 1545 Makwasha, Zvishavane

Although this house is registered in the name of the plaintiff, it is only just and equitable that it be awarded to defendant. The plaintiff's quest to have the defendant walk away empty handed after 29 years of marriage is untenable, it will yield an unjust result. Her indirect contribution as towards the acquisition and development of that property are in my view undisputable.

Further, the fact that the plaintiff inherited the rural stand from his late paternal uncle does not in the least detract from defendant's direct and indirect contributions towards the development of that homestead. The award of the urban house to her is recompense for such contribution.

The cattle

The evidence hardly supports the position that the parties have 18 beasts in all. The evidence supplied by the chief's brother and aide appears tailored to support the defendant's

version at all costs. He was clearly an unreliable witness. He undermined his own credibility by supporting the untenable version that the land on which the disputed home is situated was version land when the evidence quite clearly points to the contrary.

Further, the plaintiff vehemently disputed the version that his beasts were counted at the dip tank. He testified that as a matter of fact he sprays his beasts at home. The livestock card which the defendant undertook to produce to confirm the number of cattle was never produced as an exhibit in court.

On the whole I was satisfied with the plaintiff's version as corroborated by his brother Jabulani that currently the parties have only twelve beasts, six of which were inherited from the plaintiff's late father. The latter beasts are exempt from the distribution matrix by virtue of subsection 3 of s7 of the Matrimonial Causes Act [Chapter 5:13].

It is only fair that the defendant be awarded 4 of the remaining 6 beasts with the rest (i.e., 8 including the 6 acquired by inheritance) being awarded to the plaintiff

The motor vehicles

In her closing address the plaintiff proposed that she be awarded the Honda Fit Motor Vehicles with the plaintiff retaining the Nissan Vanette Van and that the Ipsum motor vehicle be sold and the parties share the proceeds equally. The plaintiff on the other hand proposed that the defendant be awarded the Ipsum motor vehicle and he be awarded the rest. I hold the view that given the relatively poor condition (and value) of the Ipsum motor vehicle *vis a vis* the other two motor vehicles, one party should get the Honda Fit motor vehicle (who in my opinion should be the defendant) and the other the Ipsum and the Vanette.

The power tools

From the evidence the probabilities favour a finding that these tools belong to the parties as opposed to a nephew as suggested by the plaintiff. This is so given, firstly, the fact that these tools have been in the custody of the parties for a prolonged uninterrupted period throwing into serious doubt the suggestion that they belong to a third party. Possession of a movable ordinarily creates a presumption of ownership. The onus was on the plaintiff therefore to demonstrate that the power tools belong to a third party. This he failed to do. This dovetails with the second observation namely the failure by the plaintiff to secure the evidence of the supposed owner of the

power tools to claim his ownership of the same. Finally, the evidence of the defendant was that these power tools belong to her and the plaintiff. She further asserted that the receipts for those tools are available but that she could not avail than because they are faded and illegible. I believed her.

The sheep

It is fair and equitable that the six sheep be share equally between the parties

Ultimately therefore, the following is a comprehensive list of how the parties' assets are to be shared. The list includes the division of assets agreed upon at P.T.C.

Immovable property

1. Rural homestead situate at Mhawu Village, Chief Mafula, Zvishavane **is hereby awarded to the plaintiff.** The following assets situated at that homestead are also awarded to the plaintiff; grinding mill, water tank stands and irrigation equipment.

2. Stand Number 1545 Makwasha, Zvishavane registered in the name of the plaintiff **is hereby awarded to defendant**

2.1 The plaintiff to sign all papers for the transfer of the property into the name of the defendant within 3 months of the granting of this order failing which the Sheriff of Zimbabwe or his lawful deputy is authorised to sign such papers on behalf of the plaintiff.

2.2 The cost of transfer to be borne by the plaintiff.

3. Movable items

3.1 The following items are hereby awarded to the plaintiff:

- a) Nissan Vanette Motor Vehicle Reg No. AFF 3287
- b) Toyota Ipsum motor vehicle Registration Number ACM 1629
- c) 8 head of cattle (this number includes those that were inherited by the plaintiff)
- d) 3 Sheep
- e) A grinder
- f) A tractor
- g) Cash box
- h) 32-inch Hisense TV
- i) 1 deep freezer situate at Number 1545 Makwasha, Zvishavane

- j) 9kg gas tank
- k) 1 satellite dish
- l) 2 drums 1 ox-drawn plough
- m) 1 tractor plough 1 bicycle
- n) 4 goats

3.2 The following items are hereby awarded to the defendant

- a) Honda Fit Motor Vehicle Reg Number AFO8469.
- b) 4 head of cattle
- c) 3 Sheep
- d) A welding machine.
- e) 2x4-piece sofas
- f) 1xking bed
- g) 4x three-quarter beds
- h) 32-inch Samsung tv
- i) 1 deep freezer situate at Village Mhau, Chief Mafala, Zvishavane
- j) 1x bar fridge
- k) 2-plate stove
- l) 3-piece kitchen unit
- m) 1x room divider
- n) 3x wardrobes
- o) 5kg gas tank
- p) 2 decoders
- q) 1 satellite dish
- r) 2 coffee tables
- s) 1 drum
- t) 1 tractor plough
- u) 3 hoes
- v) 15 metres horse pipe
- w) 1 incubator

- x) 1 inverter
- y) 1 bicycle
- z) 15 curtains
- aa) 3 tools box
- bb) 1 table
- cc) 1 pushing tray
- dd) 6 ducks
- ee) 4 goats
- ff) 10 boards
- gg) 1 movable cage
- hh) 6 drums
- ii) 100 empty bags
- jj) 5 metres Sali plastic covers
- kk) 15 wooden pellets
- ll) 5 rolls barbed wire

4. There shall be no order as to costs.

ZISENGWE J

Mutendi Mudisi & Shumba; The plaintiff's Legal practitioners

Mugiya Law Chambers; The defendant's legal practitioners