

EZEKIEL CHINOINGIRA  
versus  
BALWEARE HOLDINGS (PRIVATE) LIMITED  
and  
SABRE SERVICES (PRIVATE) LIMITED

HIGH COURT OF ZIMBABWE  
MUCHAWA J  
HARARE, 3 & 14 September 2021

**Urgent chamber application**

*C.T. Tinarwo*, for the applicant  
No appearance the 1<sup>st</sup> respondent  
*H.T. Mawema*, for the 2<sup>nd</sup> respondent

MUCHAWA J: This is an urgent chamber application in which the interim relief sought is that 1<sup>st</sup> respondent be barred and interdicted from evicting the applicant from a certain farm known as “the remainder of Westhey, Sabonabon Estate, Kadoma arbitrarily without a court order. As a final order, it is prayed that the provisional order be confirmed with respondents paying costs.

The applicant dragged to court, an entity called Balwearie Holdings Private Limited whose particulars were provided as a company registered under company number 45/77 as first respondent and second respondent is Sabre Services Private Limited, a company which is cited in its capacity as the first respondent’s company secretary.

Points *in limine* were taken by the second respondent. The first, which was backed by an order under case number HC 2860/20 which is extant, clearly showed that the 1<sup>st</sup> respondent was held to be dissolved by that court order. The effect of dissolution of a company is that its legal personality comes to an end. It ceases to exist. It cannot sue or be sued. See *Bowman NO v Sacks and Ors* 1986 (4) SA 459 (W) @463G-H. This means there is no legal persona responding to the first respondent.

As second respondent was sued as secretary of a nonexistent entity, it too cannot be properly dragged to court. Further, a company cannot be a secretary of another company.

Consequently, there are no respondents before me. I uphold the points *in limine*. The appropriate remedy is to strike off this matter with an order of costs on an ordinary scale.

*Zimudzi & Partners*, applicant's legal practitioners