

WILLARD MAPHIOS MOYO

Versus

**THE PROVINCIAL MAGISTRATE IN CHARGE OF
MATABELELAND PROVINCE**

IN THE HIGH COURT OF ZIMBABWE
NDOU J & CHEDA AJ
BULAWAYO 6 FEBRUARY 2012

L. Chipateni for appellant
T.O. Dodo for respondent

Judgment

NDOU J: In this case we pointed out to the appellant's legal practitioner that the notice of appeal is fatally defective in that it does not contain the exact nature of the relief sought. Rule 7(d) of the Supreme Court (Miscellaneous Appeals and References) Rules, 1975 ("the Rules") provide:-

- "7. A notice instituting an appeal shall state –
- a) the tribunal or officer whose decision is appealed against; and
 - b) The date on which the decision was given; and
 - c) The grounds of appeal; and
 - d) The exact nature of the relief sought; and
 - e) The address of the appellant or his legal representative." (Emphasis added)

It appears most appellants are ignoring these basic requirements resulting in the notices of appeal being fatally defective.

Ms Chipateni for the appellant, had no option but seek that the matter be struck off the roll. *Mr Dodo*, for the respondent, did not seek an order of costs.

Accordingly it is hereby ordered that the matter be and is hereby struck off the roll with no order as to costs.

Cheda AJ I agree

Dube-Banda, Nzarayapenga & Partners, appellant's legal practitioners
Civil Division, Attorney General's Office, respondent's legal practitioners