

CHARLES CHASHAMBA

VERSUS

JAMES T. NYAMUBACHOTO

AND

TANCY DUBE

IN THE HIGH COURT OF ZIMBABWE
MAKONESE J
BULAWAYO 8 MARCH 2012

Review Judgment

MAKONESE J: The above matter was referred for review.

The matter has its origin in the Small Claims Court. On the 29 March 2011, the Small Claims Court ordered the Applicant to pay the sum of US\$84-00 in respect of hospital expenses arising from an assault perpetrated upon the first Respondent.

The review has no merit whatsoever and amounts to an abuse of court process. In her response to the Review Application the learned magistrate explained that section 19(1) of the Small Claims Court Act [Chapter 7:12] provides that:

“A small claims court shall not be bound by strict rules of evidence and the court may ascertain any relevant fact by any means which the Presiding Officer thinks fit and which is not unfair or unjust to either party.”

The Applicant has not been able to demonstrate any misdirection or irregularity on that part of the Magistrate. The Applicant claims that he was prevented from calling a witness but that aspect does not emerge from the record of proceedings. Applicant has no basis for alleging that his right to be heard was violated because he was given the opportunity to testify in this matter.

The application is devoid of merit and accordingly is hereby dismissed.

Makonese J.....