

TOTAL ZIMBABWE LIMITED  
**versus**  
RONNAH MAFURIRANO

HIGH COURT OF ZIMBABWE  
MOYO J  
BULAWAYO 27 JUNE 2018 AND 26 JULY 2018

**Opposed Matter**

*Ms J Mugova* for the applicant  
Respondent in person

**MOYO J:** This is an application to compel the respondent to supply further and better particulars.

The further and better particulars being sought relate to respondent's averments in the summons that her claim is based on a joint audit that respondent alleges was undertaken between the parties that confirmed that her account was in credit in the sum of \$90 697,55. The applicant avers in its founding affidavit that respondent has not however, produced the joint audit report formulating the basis for her claim and showing how the figure of \$90 697-55 is arrived at.

Applicant further avers that the tendered report referred to as the joint audit report is in fact her own audit report. Applicant avers that the joint audit report should be attached as it formulates the basis for respondent's claim.

Respondent opposes the application on the basis that the supplied report which applicant calls a joint audit report is in fact her report and not a joint audit report.

It would appear from the papers filed in response to the request for further and better particulars, that in fact from the respondent does not have a joint audit report but has an audit report which she calls "joint" somehow for some reasons she gives which have to do with what transpired between the parties as they engaged each other in a bid to establish the issues between them.

The document itself is not named a joint audit report. Perhaps in that regard the respondent's pleadings in the main action are misleading. In the circumstances, plaintiff should either supply the joint audit report as pleaded or if there is no joint audit report she states as such in her pleadings. I believe this is a simple and straightforward matter of either plaintiff explaining in her reply to the request for further and better particulars, that in fact there is no joint audit report and that there is an audit report which was prepared at her own instance and which the parties later adopted or if indeed there is such a joint audit report then she attaches it. I hold the view that it is a crucial issue that plaintiff must have cleared before defendant pleads to the claim. That is, defendant should be informed by the pleadings that there is no joint audit report and that the one plaintiff has done at her instance but later adopted by the parties as she states in her opposing affidavit herein.

It is for these reasons that I find that respondent should provide the particulars as requested or any other answer as stated in her opposing papers herein but the bottom line is applicant should have that aspect cleared meaning if there is no joint audit report but one prepared at the instance of applicant and then later adopted by the parties, that is precisely what her pleadings should state. On the other hand if there is a joint audit report then it should be supplied.

It is for these reasons that I grant the order in terms of the draft with costs being in the cause.

*Gill, Godlonton & Gerrans*, applicant's legal practitioners