

NYARADZAI MATANHIRE
and
JAIROS TAMANGANI
versus
TENDAI MANDIPIRA
and
THE SHERIFF OF ZIMBABWE

IN THE HIGH COURT OF ZIMBABWE
TAKUVA J
HARARE, 13 November 2013 & 15 November 2013

Urgent application

1st and 2nd applicants in person
T.E. Mudambanuki, for the 1st respondent

TAKUVA J: This is an urgent application for stay of execution submitted to me on 11 November 2013. I directed that the matter be set down for 13 November 2013 in my chambers. In that day the first respondent filed his response where *inter alia* he pointed out that the matter had already been decided by my brother the HONOURABLE MANGOTA J in case No.8602/13. I instructed the registrar to supply me with that file and it was brought to my chambers.

Upon perusal of that file, I noticed that indeed the HONOURABLE MANGOTA J had dealt with the same application for stay of execution on 15 October 2013 and made the following comment;

“In view of Annexure C, this matter is no longer urgent. Thank you.”

Annexure C is the Notice of seizure and attachment whose date of removal was 14 October 2013. The attachment had been done on 9 October 2013 and the application was filed on 15 October 2013.

In view of the above, it is incompetent and improper for me to deal with this matter any further. The proper thing to do is to refer any further developments to my brother the HONOURABLE MANGOTA J to deliberate on. This is so in view of the directive he gave to the Registrar concerning the issue of urgency.

Consequently, the matter is referred to the HON. MANGOTA J for consideration. I have also referred the following cross references to this application to the Honourable Judge for his attention;

- (i) HC 12703/12
- (ii) HC 9266/13
- (iii) HC 8605/13

Mudambanuki and Associates, 1st respondent's legal practitioners