

WILBERT MUNONYARA
versus
CBZ BANK LIMITED
and
SHERIFF OF THE HIGH COURT
and
REGISTRAR OF DEEDS

HIGH COURT OF ZIMBABWE
BERE J
HARARE, 30 January 2014

Urgent chamber application

Applicant in person
M.C. Daitai, for the 1st respondent

BERE J: This case has a long and unpleasant history. The applicant has been in and out of this same court with only the objective to save his property from being sold as a result of what he refers to as fraudulent conduct of the respondent.

In other matters related to this case which I have become privy to as a result of this case, the fraud has been extended to directors of a company called Prinsbourough Marketing.

I am particularly concerned that from 2010 up until today in 2014 there has been no application to specifically deal with the rescission of judgment forming the basis of the applicant's concerns. That judgement remained extant until execution was completed.

There can be no doubt that if regard is had to the history of this case, there can be no justification at all to treat this matter on urgent basis. The applicant failed to timeously take appropriate remedial action.

I decline to hear this matter on urgent basis and the applicant is ordered to pay costs of this application.

Magwaliba and Kwirira, 1st respondent's legal practitioners.