

CONSTABLE MATARUSE  
and  
CONSTABLE CHITIGA  
versus  
BOARD PRESIDENT  
(CHIEF SUPERINTENDENT MUDZAMIRI)  
and  
THE COMMISSIONER GENERAL OF POLICE

HIGH COURT OF ZIMBABWE  
ZHOU J  
HARARE, 15 December 2014

### **Urgent Chamber Application**

*Ms R. Zvimba-Mukono*, for the applicants  
*T Tabana*, for the respondents

ZHOU J: This is an urgent chamber application for an order interdicting the respondents from proceeding with board of suitability proceedings against the applicants following their conviction by the trial officer in terms of the Police Act. The applicants seek stay of the suitability inquiry pending determination of their application for review which was filed on 11 December 2014 which is the day on which the instant application was filed.

The respondents have objected *in limine* to the determination of the application on an urgent basis on the ground that the applicants failed to act urgently once they were notified of their conviction.

A matter is urgent if it cannot wait to be dealt with as an ordinary court application. Urgency which is self-created or where an applicant waits for the day of reckoning is not the urgency that is envisaged by the rules of court. A party who wants his or her matter to be heard on an urgent basis must show that he or she treated it with urgency.

In *casu* the applicants were notified of their conviction on 21 October 2014. They took no action to challenge the conviction. The application for review of the conviction was only filed on 11 December 2014, together with the instant urgent chamber application. It is clear that the application for review was only filed as a reaction to the notification to attend

the suitability board proceedings. It was filed more than six weeks after the applicants became aware of their conviction.

The conduct of the applicants does not show that they treated the matter with urgency. The submission made on their behalf that they were self-actors is not sound, as the applicants were aware that proceedings for an inquiry into their suitability to remain in the force would follow upon their conviction.

In the circumstances, this matter is not urgent.

It is accordingly struck off the roll with costs.

*Mugiya and Macharaga Law Chambers*, applicants' legal practitioners  
*Attorney General's Office*, respondents' legal practitioners