

ESNATH P.M. JEMBERE  
versus  
BIG BRIAN JEMBERE

HIGH COURT OF ZIMBABWE  
MANGOTA J  
HARARE, 05 January 2015

**Urgent chamber application**

*C. Chinyama*, for the applicant  
Respondent in default

MANGOTA J: The respondent who was properly served in terms of the rules was in default. The matter was set down for hearing at 2:30pm on this 5 January 2015. The court gave the respondent up to 3pm in case he would pitch up. He did not. The matter was, therefore, heard in his absence.

The applicant withdrew her application in respect of the older of the two children who are the subject of the application. It was conceded that Rutendo Belinda Jemberere born on 28 June 1996 was above 18 years of age and had attained majority status to whom issues of custody do not apply.

The applicant prayed that custody of Briana Ruvimbo Jemberere born on 8 October 1997 be granted to her in terms of the interim draft order. In the absence of opposition from the respondent, therefore, the court has no option but to grant the applicant's prayer as prayed.

It is, accordingly, ordered that pending the return day of this provisional order custody of Briana Ruvimbo Jemberere born on 8 October 1997 be and is hereby granted to the applicant.

*C. Chinyama and Partners*, applicant's legal practitioners