

SOPHIA MUNEMO
versus
STAYSUN INVESTMENTS (PVT) LTD t/a SPORTS BAR

HIGH COURT OF ZIMBABWE
TAGU J
HARARE, 18 July and 19 September 2018

Opposed Application

P. Kashiri Chiyangwa, for applicant
C. Malaba, for respondent

TAGU J: On 18 day of March 2015 the Honourable Arbitrator F. Matanhire issued an arbitral award in favour of the applicant in terms of which the respondent was ordered to pay the applicant the sum of US\$10 407.22. The applicant now approaches this court in terms of s 98 (14) of the Labour Act [*Chapter 28:01*] to register the award so that the award can become an order of this court for it to be enforced.

The respondent opposed the registration of the award on the basis that it offends against the simple public notions of justice and fairness and that justice would be intolerably hurt if the award is upheld and enforced. In its notice of opposition the respondent raised three points *in limine*. The first point *in limine* was that there was no arbitral award to be registered. The second point *in limine* was that the applicant had adopted the wrong procedure and the last point *in limine* was that the dispute between the applicant and the respondent was pending in the Labour Court that is- *Lis Pendens*.

At the hearing of the matter the respondent abandoned all the three points *in limine*.

On the merits the respondent submitted that the arbitrator seemed to have been swayed by the alleged ineligibility of the records, and he took a robust approach in such circumstances where he should have requested for legible records from the parties.

In an application of this nature the court does not sit as an appeal court. What constitutes or amounts to offending public policy of Zimbabwe has been outlined in a number of cases. This involves situations where outcomes have been motivated by fraud or corruption or failure to appreciate the issues completely. This is not the case here. For this reason the award has to be registered.

IT IS ORDERED THAT

1. The Arbitral award issued by Honourable Arbitrator F Matanhise on the 18th of March 2015 be and is hereby registered as an order of this court.
2. The respondent be and is hereby ordered to pay the sum of US\$10 407.22 to the applicant.
3. The respondent shall pay the cost of this application.

Thondlanga & Associates, applicant's legal practitioners
Kantor & Immerman, respondent's legal practitioners