WILBERT MUNONYARA

versus

CBZ BANK LIMITED

and

M/S MWANYISA

and

PAUL CHIMUDZI

and

PUNISH MUSHEZHU

and

PRITSBOROUGH MARKETING

and

SALVATE TRADING

and

TAPVICE ENTERPRISES

and

DEPUTY SHERIFF

HIGH COURT OF ZIMBABWE

BHUNU J

HARARE, 21May 2012 and 23 May 2012

**Urgent Chamber Application**

Applicant Appeared in person

*C Daitai, for* 1st to 4th respondent

*B Mufadza,* for 5th to 6th respondents

BHUNU J: The applicant is the owner of a certain piece of immovable property known as Number 1212 Marlborough, Township of Marlborough situate in the district of Salisbury. He mortgaged the property to the first respondent in respect of a loan extended to the fifth respondent by the first respondent.

The fifth respondent defaulted in repaying the loan whereupon the first respondent obtained a default judgment against the applicant, the first respondent, Punish Mashezhu and one Wilbert Munonyara on 17 February 11 under case number HC 9134/10 in the following terms:

“IT IS ORDERED THAT:

1. Judgment is hereby entered in favour of the plaintiff against the defendants jointly and severally the one paying the others to be absolved for the following amounts:
2. The sum of US$23 677.90 being the principal amount.
3. The sum of US$80.00 in respect of bank charges.
4. Interest accrued on the principal amount set out in clause 1 above at the rate of 12% per annum in the sum of US$2 135.58.
5. Further interest on the capital amount at the rate of 12% per annum from the date of issuance of summons (THE 9TH of December 2010) to the date of full payment.
6. The movable property known as No. 1212 Marlborough Township of Marlborough situate in the district of Salisbury be and is hereby declared specially executable in satisfaction of this judgment.
7. The defendants shall jointly and severally the one paying the others to be absolved pay the costs of this suite on an attorney and client scale together with collection commission to the extent permissible for the recovery of such commission in terms of the Law Society of Zimbabwe by-laws.”

The applicant’s immovable property was attached more than 10 months ago on 4 July 2011.

Aggrieved by the above order and attachment of his property the applicant belatedly filed this urgent chamber application for stay of execution on 10 May 2012. The applicant has proffered no cogent reason for the inordinate delay of almost a year in filing this application.

It is needless to say that the applicant’s conduct in this respect exhibits no urgency at all**. It is accordingly ordered that the application is not urgent. The applicant should proceed in the normal** **way.**

*Magwaliba and Kwirira,* 1st to 4th respondents’ legal practitioners

*Mufadza & Associates*, 5th to 6th respondents’ legal practitioners