

CHESTER MUTIRO

versus

MR LUPHAHLA (N.O)

and

MRS MAKWATISIMOLI (N.O)

and

MR PILIME (N.O)

and

MRS B. MNGUNI (PED MAT NORTH PROVINCE)

IN THE HIGH COURT OF ZIMBABWE
MAKONESE J
BULAWAYO 15 MAY AND 26 JUNE 2014

Applicant in person

Judgment

MAKONESE J: This matter was set down on the unopposed roll on the 15th May 2014. I dismissed the matter and indicated that my reasons would follow.

On 26th September 2013 I delivered a written judgment under case number HB135/13 wherein I dismissed another application launched by the Applicant as a Review Application. In that judgment, the Applicant who was being represented by a legal practitioner failed to explain why the matter had been brought to outside the prescribed time limits as provided under Order 33 Rule 259 of the High Court Civil Rules, 1971. It is important to observe that the application had been filed on 31st October 2012. After a period of more than 12 months, the Applicant who has now abandoned his legal practitioners has now filed what purports to be an application for Condonation For the Late Filing of a Review.

The Applicant avers that he became aware of the outcome of the matter he wants reviewed on the 30th November 2011. The Applicant states that he was required to exhaust other

remedies by appealing to the Public Service Commission. It is worthy to note that the Public Service Commission upheld the decision appealed against by letter dated 24th September 2012 and received by the Applicant. The Applicant then approached the High Court in October 2012. Applicant was advised several times to seek the services of a legal practitioner and when the matter was eventually heard on 26th September 2013 I dismissed the application and gave my full reasons.

The Applicant has not given any reasonable explanation for the delay in filing this application. I have already examined the prospects of success in HB 135/13 and I am not persuaded that the Applicant has brought out any new information. Save for repeating what happened when the misconduct hearing was conducted, the Applicant has failed to advance any meaningful explanation for the failure to act on time. The Applicant's conduct is clearly an abuse of court process. The application itself is devoid of merit and it is on that basis that I dismissed the application with costs.