**DISTRIBUTABLE (19)**

**EX-TEMPORE**

**EZEKIEL CHINOINGIRA**

**v**

1. **SABRE SERVICES (PRIVATE) LIMITED (2) BALWEARIE HOLDINGS (PRIVATE) LIMITED**

**[Company Number 45/77]**

**SUPREME COURT OF ZIMBABWE**

**BHUNU JA, CHIWESHE JA & MWAYERA JA**

**18 NOVEMBER 2021**

No appearance for the appellant

*T. Magwaliba*, for the first respondent.

No appearance for the second respondent.

**BHUNU JA:**

1. At the conclusion of submissions by counsel, the Court delivered a unanimous ex-tempore judgment. Counsel for the first respondent has now requested written reasons for the ex-tempore judgment.

2. It was couched as follows:

“We hereby present the unanimous decision of the court.

1. This is an appeal against the whole judgment of the High Court (the court *a quo),* in whichit struck off the roll an urgent application seeking to interdict the respondent from evicting the appellant from a certain farm known as the Remainder of West Hay Sabona Bon without a court order.

(b) The court *a quo* in striking the matter off the roll upheld the point in *limine* raised by the second respondent to the effect that the appellant sued a non-existent entity namely Balware Holdings (Pvt) Ltd as the first respondent.

(c) It is common cause that on 8 July 2020 the court *a quo* dissolved the first respondent as a company under case number HC 2860/20. The order is still extant.

(d) It is trite that the order is binding on the parties and the world at large it being a judgment *in rem,* as submitted by Mr *Magwaliba*. We accordingly find that there is no merit in this appeal. Costs follow the result.

(e) In the final analysis it is ordered that the appeal be and is hereby dismissed with costs.”

**CHIWESHE JA** I agree

**MWAYERA JA** I agree

*W.O.M. Simango & Associates*, respondent’s legal practitioners