

**LIBERTY MUCHENA**

**Versus**

**COMMISSIONER GENERAL OF POLICE N.O**

**And**

**THE POLICE SERVICE COMMISSION**

IN THE HIGH COURT OF ZIMBABWE  
KAMOCHA J  
BULAWAYO 30 JANUARY 2017

*Mrs J. Mugova* for the applicant  
*L. Dube & Ms R. Hove* for respondents

***Ex Tempore***

**KAMOCHA J:** The applicant sought for condonation of the late filing of his application for review in case number HC 972/14 wherein he sought for an order in the following terms:

“It is ordered that:-

- (1) the decision to terminate the employ of the applicant by the 1<sup>st</sup> and 2<sup>nd</sup> respondent be and is hereby set aside;
- (2) the 1<sup>st</sup> and 2<sup>nd</sup> respondent be and are hereby ordered to pay costs of suit on an attorney and client scale.”

While conceding that he delayed to file his application for condonation he contended that the delay was not inordinate, if regard is had to the circumstances surrounding his particular matter which were beyond his control. He averred that he had dire financial problems and was therefore unable to raise money for litigation.

He explained that he lost his employment from the time of his dismissal from the police force. He had no reliable source of income. In the result, he was unable to engage the services of a legal practitioner timeously. He was only able to do so in May 2014.

The uncontested factual situation was as follows. Applicant was discharged from the Zimbabwe Republic Police on 16 April 2013. He was duly advised of his fate by 22 April 2013.

He only filed his application for review on 2 May 2014 a period of one year and ten days. The application was filed without seeking condonation from court. He only sought and filed this present application for condonation over two months later i.e 67 days after filing his application for review. The delay is unexplained. He was legally represented at that stage and he should have filed simultaneously the applications for condonation and review.

It was improper to file an application for review and wait for 67 days to apply for the condonation of such application which was filed 1 year 10 days after the decision to be reviewed was made.

His explanation that the delay was due to financial problems is difficult to accept. It would not have taken a full year to raise money to litigate properly. His efforts to raise funds left a lot to be desired. The economic problems affect many litigants in this country but they try and manage to litigate timeously.

The delay in this matter is grossly inordinate and I find myself being unable to condone it.

In the result, the application is hereby dismissed.

*Calderwood, Bryce-Hendrie & Partners* applicant's legal practitioners  
*National Prosecuting Authority* respondent's legal practitioners