TEVASON INVESTMENTS

(PRIVATE) LIMITED

t/a FRESHPRO

versus

JENPAS INVESTMENTS

(PRIVATE) LIMITED

t/a PRYCMART SUPERMARKET

and

AMR MAHDY

HIGH COURT OF ZIMBABWE

BERE J

HARARE, 3 April 2012

**Pre-Trial Conference**

*O Mutero*, for the plaintiff

*O Machuwaire*, for the defendants

BERE J: Given the fact that the defendants were served with a notice to attend this pre-trial conference hearing about 12 days ago and that they are not in attendance thirty-one minutes after the scheduled hearing time and that there is no cogent explanation for their absence at court, I believe the application for default judgment is quite justifiable. The lackadaisical approach adopted by the defendant cannot be tolerated.

As a court we do not have the zeal or will to accommodate casual litigants. I can only conclude the defendant are either not taking these proceedings seriously or they are determined to delay the finalization of this matter.

The defendants’ defence is struck out and default judgment is granted in favour of the plaintiff as prayed for in the summons.

*Sawyer & Mkushi*, plaintiff’s legal practitioners

*Nyamushaya*, *Kasuso & Rubaya,* defendants’ legal practitioners