KULTRANS INTERNATIONAL (PVT) LTD

versus

NICHOLAS TURNER

and

CHAWARA WOOD AND STONE

HIGH COURT OF ZIMBABWE

MATHONSI J

HARARE, 18 September 2012

Plaintiff in default

*F. Edkins* for the defendant

MATHONSI J: When this matter came before me for Pre-trial conference on 31 July 2012, I gave directions to the plaintiff which are contained in the record. I also directed that the parties should hold a round table conference.

Significantly the plaintiff has not complied with those directions. I have also been shown 3 letter written by the defendant’s legal practitioners inviting the plaintiff to a conference to discuss the matter to which there was no response.

Mr *Edkins* for the defendants now applies for a dismissal of the plaintiff’s claim.

In terms of Rule 182 (11) of the rules of the court;-

“A Judge may dismiss a party’s claim or strike out his defence or make such other order

as may be appropriate if;-

1. The party fails to comply with directions given by a Judge in terms of subrule (4), (6), (8) or 10 or with a notice given in terms of subrule (4) and
2. Any other party applies for such an order at the pre-trial conference or makes a chamber application for such an order.

An application having been made for the dismissal of the plaintiff’s claim by reason of failure to comply with directions, and the plaintiff being in default anywhere I have no reason to deny such an application.

Accordingly, the plaintiff’s claim is hereby dismissed with costs.

*Phiri & Partners*, plaintiff’s legal practitioners

*Coglan, Welsh & Guest*, 1st & 2nd defendants’ legal practitioners