MASVINGO CITY COUNCIL WORKERS COMMITTEE

and

ZIMBABWE URBAN COUNCIL WORKERS UNION

versus

MASVINGO CITY COUNCIL

HIGH COURT OF ZIMBABWE

MATHONSI J

HARARE, 08 October 2012

*R. Matsikidze*, for the Applicant

*S. Chirorwe*, for the Respondent

**Opposed Application**

 MATHONSI J: This is an application for registration of an arbitral award. The application is opposed on the basis that the Respondent appealed against the award to the Labour Court.

 The papers before me show that the appeal in question was dismissed by the Labour Court on 8 July 2011 and there is no appeal pending at the moment. That is not to say it would have made any difference at all to the Respondent’s case because it has not argued that the operation of the arbitral award was suspended by any order of court. In terms of section 92E (2) of the Labour Act [*Cap 28:01*] an appeal to the Labour Court against an award of an arbitrator does not suspend the award appealed against.

 For that reason, there is no basis for opposition at all. As if that was not enough, the Respondent did not even file heads of argument even as it is represented by a legal practitioner. There is therefore an automatic bar operating against the Respondent in terms of rule 238 (2b) of the High Court Rules.

 I am satisfied that a good case has been made for the relief sought. In fact it is opposition to such relief which is mind boggling.

 As a result I grant the following order that;-

1. The arbitral award dated the 03 March 2011 by the Honourable MACHECHE be and is hereby registered as an order of this court.
2. The Respondent shall pay the costs of suit.

*Matsikidze & Mucheche*, Applicant’s legal practitioners

*Messrs Chihambakwe, Makonese & Ncube*, Respondent’s legal practitioners