

'FORM NO 2'  
SUMMONS  
RULE 12(1)  
IN THE HIGH COURT OF ZIMBABWE  
HELD AT HARARE  
In the matter between:

CASE NO: HC 986 /2020

**TAFADZWA MUSARARA**

**PLAINTIFF**

and

**GODFREY TSENENGAMU**

*(Whose residential or business address is unknown to the Plaintiff)*

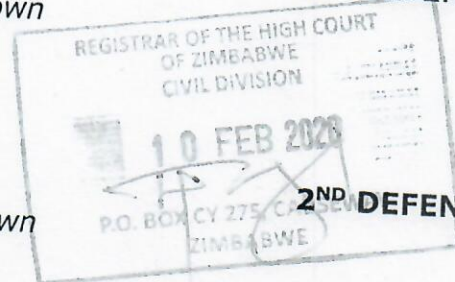
**1<sup>ST</sup> DEFENDANT**

And

**LEWIS MATUTU**

*(Whose residential or business address is unknown to the Plaintiff)*

**2<sup>ND</sup> DEFENDANT**



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**SUMMONS**

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To the Defendants named above:

The Plaintiff's claim against the Defendants, jointly and severally the one paying and the other to be absolved, is for payment of the sum of ZW\$10 million being defamation damages. The damages arise out of statements made by the Defendants at a press conference held at Harare on the 3<sup>rd</sup> of February 2020. The Defendants stated at the press conference that the Plaintiff was a corrupt businessman who was diverting maize meal to the black market thus causing shortages of that product in the shops. The Plaintiff also claims interest and costs of suit on a legal practitioner and client scale.

If you wish to oppose any of the Plaintiff's claims, you must: -

- a) enter an appearance to defend by making an appropriate entry in the appearance book kept in the office of the Registrar of the High Court of

Zimbabwe at Harare within ten days after service of this summons (Saturdays, Sundays and public holidays are not counted as part of this ten-day period, nor is the day on which this summons was served); and

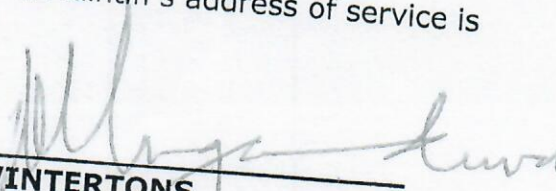
- b) notify the Plaintiff or its legal practitioner, in writing, at the address given below, of your entry of appearance to defend. You must give the Plaintiff or the legal practitioner an address for service within five kilometres of the court specified above, together with a postal address.

If you do not enter appearance to defend, the Plaintiff's claim will be heard and dealt with by the High Court without further notice to you.

The Deputy Sheriff is hereby required to serve a copy of this summons on the Defendants named above and, immediately after doing so, to return a further copy of this summons, with the return of service in Form No. 5A duly completed, to the Registrar who issued it.

Dated at HARARE this 8<sup>th</sup> day of February 2020.

The Plaintiff's address of service is

  
**WINTERTONS**  
Plaintiff's legal Practitioners  
Beverley Corner  
11 Selous Avenue  
HARARE (AM/srdz)

  
**REGISTRAR, HIGH COURT OF ZIMBABWE**



IN THE HIGH COURT OF ZIMBABWE  
HELD AT HARARE  
In the matter between:

CASE NO: HC

/2020

**TAFADZWA MUSARARA**

and

**GODFREY TSENENGAMU**

And

**LEWIS MATUTU**



**PLAINTIFF**

**1<sup>ST</sup> DEFENDANT**

**2<sup>ND</sup> DEFENDANT**

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**PLAINTIFF'S DECLARATION**

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1. The Plaintiff in this matter is Tafadzwa Musarara, a male adult and businessman and chairman of a voluntary organisation, the Grain Millers Association of Zimbabwe. The Plaintiff's business address is No. 69 Douglas Road, Workington, Harare. The Plaintiff's address of service is care of Wintertons Legal Practitioners, Beverley Corner, 11 Selous Avenue, Harare.
2. The 1<sup>st</sup> Defendant is Godfrey Tsenengamu, a male adult whose residential, business or other address is unknown to the Plaintiff.
3. The 2<sup>nd</sup> Defendant is Lewis Matutu, a male adult whose residential, business or other address is unknown to the Plaintiff.
4. On the 3<sup>rd</sup> of February 2020 at Harare, the Defendants jointly addressed a press conference whereat they stated to the journalists that were gathered and present that the Plaintiff was a corrupt businessman engaging in unethical business practices. They stated that the Plaintiff was working with a clique of white people to divert maize meal to the black market and consequently that he was responsible for the shortage of maize meal on the formal market.

5. It was further stated that the Plaintiff was abusing the Government subsidy programme on maize meal.
6. The statements made by the Defendants were widely circulated in national newspapers and on many social media platforms both in written word and videography. The press conference and the statements were also covered in news bulletins on national radio and television.
7. The said statements are wrongful and defamatory of Plaintiff in that they were intended and were understood by the journalists gathered and present at the press conference and by all other persons who accessed the story via various other media, to mean that the Plaintiff was a corrupt businessman who was abusing State resources to enrich himself at the expense of the general populace.
8. As a result of the defamation, the Plaintiff has been damaged in his reputation and suffered damages in the amount of ZWL10 million.

WHEREFORE the Plaintiff claims against the Defendants jointly and severally:

- a) Payment in the sum of ZWL10 million being defamation damages;
- c) Interest on the above sum of money from date of service of summons at the prescribed rate; and
- d) Costs of suit on a legal practitioner and client scale.

DATED AT HARARE ON THIS 8<sup>TH</sup> DAY OF FEBRUARY 2020.



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**WINTERTONS**  
Plaintiff's Legal Practitioners  
Beverley Corner  
11 Selous Avenue  
HARARE (AM/rsdz)

**TO: THE REGISTRAR**  
High Court  
HARARE

and

**TO: GODFREY TSENENGAMU**  
1<sup>st</sup> Defendant  
HARARE

And

**TO: LEWIS MATUTU**  
2<sup>nd</sup> Defendant  
HARARE