



Judicial Service Commission

“A Zimbabwe in which world class justice prevails!”

PRACTICE DIRECTION No. 1 of 2022

INACTIVE SUMMONS IN THE HIGH COURT

Application

This Practice Direction, which is issued in terms of Rule 7(b) of the High Court Rules 2021, applies to prosecution of summons filed in the High Court of Zimbabwe before the High Court Rules came into effect.

General note

- 1.1 Whereas, Rule 84(1) and (2) of the High Court Rules, 2021 makes a provision for the lapsing of summons, the rule does not apply retrospectively and hence the need to make provision for management of cases filed before the High Court Rules, 2021 came into effect.
- 1.2 In order to ensure that summons in an action filed in the High Court before the High Court Rules, 2021 came into effect are prosecuted to finality within reasonable periods, the following Practice Direction takes effect from the 24th of March 2022.

Lapsing of summons

- 2.1 If the summons in an action is not served within two years of the date of its issue or, having been served, the plaintiff has not, within the time stipulated in the High Court Rules, 1971, taken further steps to prosecute the actions, the summons shall lapse.
- 2.2 The plaintiff may secure an extension of the period set out in paragraph 2.1 by filing with the Registrar of the High Court before the expiration of the period stated therein, an affidavit seeking such extension and giving reasons acceptable to the Registrar for such an extension and the Registrar may, at his or her discretion, grant the extension.

Remedial Action

- 3.1 A plaintiff aggrieved by the decision of the Registrar may apply to a judge in chambers within seven (7) days for review of such a decision.
- 3.2 Where a summons has lapsed as provided for in paragraph 2.1, it cannot be brought back to court without the leave of a Judge.
- 3.3 Currently, there are summons that have been inactive in action proceedings in the High Court for very long periods of time. The Registrar is directed to deal with such inactive summons in terms of this practice Direction.



**THE HONOURABLE MR JUSTICE L MALABA
CHIEF JUSTICE OF ZIMBABWE**

HARARE: 24 MARCH 2022