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0055687

Form No. 29C/Provisional Order/Rule 246

IN THE HIGH COURT OF ZIMBABWE

Held at Harare

In the matter between:

Case No. HC 2259/15

STEWARD BANK LIMITED  
ECONET WIRELESS (PVT) LTD

1<sup>ST</sup> APPLICANT  
2<sup>ND</sup> APPLICANT

AND

NELSON BANYA  
ALFONSE MBIZVO  
BERNARD MPOFU  
THE SOURCE

1<sup>ST</sup> RESPONDENT  
2<sup>ND</sup> RESPONDENT  
3<sup>RD</sup> RESPONDENT  
4<sup>TH</sup> RESPONDENT



**PROVISIONAL ORDER**

TO: THE RESPONDENTS

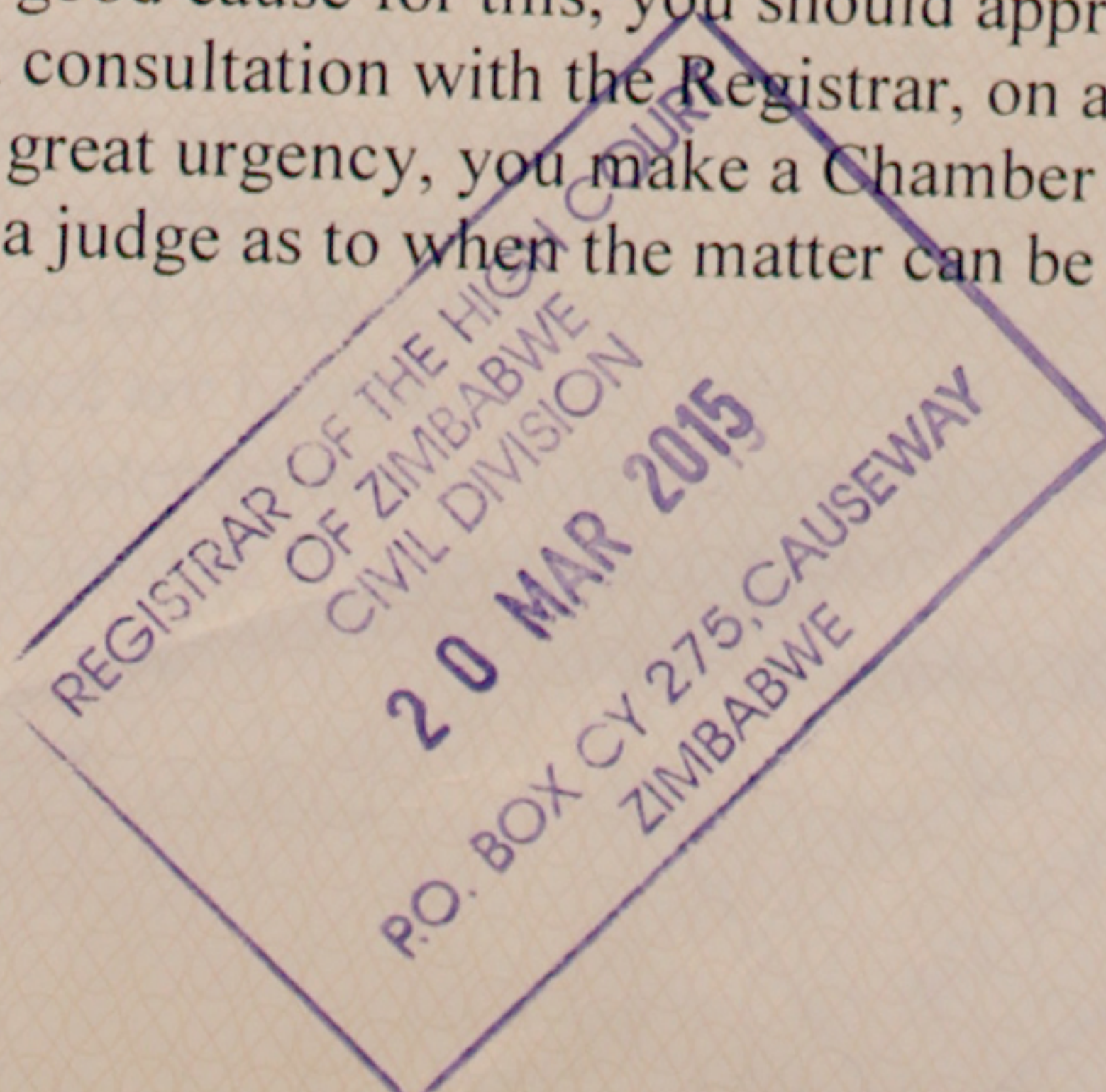
TAKE NOTE that, on 16<sup>th</sup> day of March 2015 the High Court sitting at Harare before the Honourable Mr. Justice Musakwa issued a provisional order as shown overleaf.

The annexed Chamber application, affidavit/s and documents were issued in support of the application for this provisional order.

If you intend to oppose the confirmation of this provisional order, you will have to file a notice of Opposition in Form No. 29B, together with one or more opposing affidavit/s, with the Registrar, of the High Court at Harare within 10 days after the date of which this provisional order and annexures were served upon you. You will also have to serve a copy of the Notice of Opposition and Affidavit/s on the applicant at the address for service specified in the application.

If you do not file an opposing affidavit within the period specified above, this matter will be set down for hearing in the High Court at Harare without further notice to you and will be dealt with as an unopposed application for confirmation of the provisional order.

If you wish to have the provisional order changed or set aside sooner than the Rules of Court normally allow and can show good cause for this, you should approach the applicant/applicant's legal practitioners to agree, in consultation with the Registrar, on a suitable hearing date. If this cannot be agreed or there is a great urgency, you make a Chamber application, on notice to the applicant, for directions from a judge as to when the matter can be argued.



BY THE JUDGE  
*[Signature]*  
for: REGISTRAR





REGISTRAR OF THE HIGH COURT  
OF ZIMBABWE  
CIVIL DIVISION

20 MAR 2015

P.O. BOX CY 275, CAUSEWAY  
ZIMBABWE

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### TERMS OF THE FINAL ORDER SOUGHT

That you show cause to this Honourable Court why a final order should not be made in the following terms:-

1. The provisional relief granted by this court on the 16<sup>th</sup> day of March 2015, by the Honourable Mr Justice Musakwa sitting at Harare be and is hereby confirmed as final.
2. It is hereby declared that the possession, publication, or re-publication of applicants' confidential communications as between their directors and third parties, and their confidential information, violates applicants' right to protection of their privacy.
3. The respondents be and are hereby permanently interdicted from releasing and/or causing to be released, personally and through agents, information gleaned from the source documents referred to in the interim relief granted.
4. The respondents be and are hereby ordered to delete all private communications and information owned by and pertaining to the applicants.
5. The documents and information seized in terms of paragraph 4 of the interim relief granted be released to the applicants forthwith.
6. The respondents, jointly and severally, the one paying for the other to be absolved be and are hereby ordered to pay applicants' costs of suit on a legal practitioner and own client scale including the costs incurred in retaining and instructing counsel where applicable.

### INTERIM RELIEF GRANTED

Pending the return day:

It is hereby ordered that:

1. The respondents be and are hereby jointly ordered to immediately delete and expunge the two articles entitled 'Steward Bank seeks land to settle \$2.1 million Chiyangwa loan' and 'updated: debt distressed Zimbabwe moves to reschedule domestic debt' published on 2<sup>nd</sup> March 2015 and 26<sup>th</sup> February 2015 respectively from the online publication 'The Source' hosted on <http://source.co.zw> in their entirety, or alternatively any information contained in them relating to the applicants, their directors, consultant, customers, or counter parties.
2. The respondents be and are hereby jointly interdicted from publishing or republishing, personally or through the agency of other persons, and through the online publication, 'The Source' hosted on 'http://source.co.zw' the names of the applicants' customers and the details of their loan or credit agreements with applicants.
3. The respondents be and are hereby jointly interdicted from publishing or republishing contents of email and internal memoranda or correspondence of a private nature relating to the applicants' business or that of its customers, consultants, or other counter-parties.

REGISTRAR OF THE HIGH COURT  
OF ZIMBABWE  
CIVIL DIVISION  
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4. An anton pillar order be and is hereby issued authorizing the applicants, their legal practitioners and technology experts with the assistance of the Sheriff of this honourable court or his lawful deputy, or the police as may be necessary to search the premises and computer systems of the respondents for any information belonging to the applicants that may be in the possession of the respondents without their consent, and to seize and place such information in the custody of the Registrar of this honourable court pending the return day.

#### SERVICE OF THE PROVISIONAL ORDER

That the service of the provisional order with the supporting urgent chamber application and annexures shall be effected on the respondents by applicants' legal practitioners.

BY THE JUDGE

REGISTRAR OF THE HIGH COURT  
OF ZIMBABWE  
CIVIL DIVISION  
20 MAR 2015  
P.O. BOX CY 275, CAUSEWAY  
ZIMBABWE

for: REGISTRAR  
/cm