

Harare, Zimbabwe, January 29 (Infosplusgabon) - Zimbabwe Vice President Constantino Chiwenga has cried foul over his recent court defeat to his estranged wife, Marry Mubaiwa.

Chiwenga's lawyers have written to Judge President Justice Geroje Chiweshe, accusing him of interfering in his divorce proceedings with Mubaiwa.

This comes after the High Court of Zimbabwe last week, in a ruling by Justice Christopher Dube Banda, ruled in favour of Mubaiwa who ordered Chiwenga to surrender the estranged couple's three minor children into the former's custody and allow her access to her property.

The ruling was a result of an urgent spoliation order dated January 9, 2020, filed by Mubaiwa, seeking the release of their three kids into her custody as prescribed by law as well as allow her access to her property.

"Our client advises us that you are related to the applicant Ms Marry Mubaiwa and she has made numerous bald assertions in public that you are related and have sorted and influenced all matters involving her in her favour to the prejudice of our client," Chiwenga's lawyer, Wilson Manase, wrote to Justice Chiweshe in a letter obtained by PANA.

“We, with respect, wish to register our client’s concern over allegations emanating from the said relationship with the applicant and complain over the conduct of the applicant in accessing court judgments and orders before they have been officially handed down to both litigants.

“These allegations are known by the Judicial Service Commission (JSC), the lawyers for the applicant and various other parties which we can divulge to you in confidence.”

Chiwenga’s lawyers said on January 24, 2020 hours before the judgment was delivered, Mubaiwa had arrived at Hellenic Primary School in Harare where two of the couple’s children attend school armed with an order of the High Court granting her access to the children.

“Our client telephoned us to inquire as to whether judgment had been handed down in the matter to which we confirmed that the matter was still pending and a diligent enquiry at the registry confirmed our position,” Chiwenga’s lawyers further complained.

“We were then telephoned by the Honourable Justice Dube Banda’s clerk at 0927AM advising

us that the Honourable judge wished to meet parties in chambers to hand down the judgment.”

The letter continued: “Could it be that there is a new system of handing down judgments wherein litigants are given court orders before official pronouncements? We also wonder why the said judgment, before it was handed down, got publicised in the Zimbabwe Independent newspaper (privately owned local weekly paper) advising the public that Marry Mubaiwa had won the case she had filed”.

The edition of the Zimbabwe Independent newspaper said Chiwenga’s lawyers complained about a story in which sources told the paper that Chiwenga had reached an out-of-court settlement with Mubaiwa to surrender custody of the children back to Mubaiwa. But, the article did not refer to any court judgment.

Chiwenga’s lawyers have given Justice Chiweshe 48 hours to respond to their concerns insisting the High Court systems “may have been compromised”.

Chiwenga has since appealed Justice Banda's ruling made last week which took a day rather than the usual five months raising fears of nepotism.

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