

Mpange and 20 others v Sithole

Case No 07/7063

Landlord in breach of obligations to maintain premises in safe and proper condition – earlier decisions of courts tended towards refusal to grant order for specific performance that landlord render building fit for accommodation purpose for which he has rented it out – earlier decisions of courts tended towards refusal to grant order that rentals payable by tenants to landlord are reduced proportional to reduction in use and enjoyment of accommodation – judicial and academic criticism of such decisions considered – remedies of specific performance and reduction in rental considered in light of Constitutional rights and obligations – judgment determines that both remedies of specific performance by landlord and reduction of rentals payable permissible in present case.