

**IN THE COURT OF APPEAL OF TANZANIA  
AT DAR ES SALAAM**

**(CORAM: LUBUVA, J.A., MUNUO, J.A., And KAJI, J.A.)**

**CIVIL APPLICATION NO. 8 OF 2005**

**AFRICAN MARBLE COMPANY LIMITED (AMC) ..... APPLICANT  
VERSUS  
TANZANIA SARUJI CORPORATION (TSC) ..... RESPONDENT**

**(Application die XIEEWRUIB ID RGW HYSFNWBR bs ieswe  
of the Court of Appeal of Tanzania at Dar es Salaam)**

**(Omar, Mnzavas, Mfalila, JJJA)**

**dated the 9<sup>th</sup> day of November, 1994**

**in**

**Civil Appeal No. 38 of 1993**

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**RULING OF THE COURT**

**LUBUVA, J.A.:**

By notice of motion, the Court is being moved for an order that the judgment of the Court in Civil Appeal No. 38 of 1993 id 7,11,1999,

In order to appreciate the sequence of events, we think, it is instructive to set out briefly the background giving rise to the application f> In High Court Civil Case No. 89 of

1987, the applicant, African Marble Company Limited, successfully sued the respondent, Tanzania Saruji Corporation Limited. The High Court found that the respondent had wrongfully retained the machinery and equipment belonging to the appellant which it was ordered to be delivered to the applicant. The trial High Court also awarded the applicant 10,000/= damages. Dissatisfied, the applicant instituted Civil Appeal No. 38 of 1987 in this Court where the appeal was partly allowed with regard to damages. The Court remitted the matter to the High Court with direction for a re-assessment of general damages as a direct and probable

consequence of the retention of the machinery.