

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

CIVIL APPLICATION NO. 86/16 OF 2019

PRIDE COM LIMITED.....1st APPLICANT

UPENDO ASSAPH KASSAMA.....2nd APPLICANT

JUMA H. SELEMANI.....3rd APPLICANT

HAMIS S. ALIMAS.....4th APPLICANT

VERUS

STANBIC BANK TANZANIA LIMITED.....RESPONDENT

**(Application for restoration from the Order of the Court of
Appeal of Tanzania at Dar es Salaam)**

(Ndika, J.A.)

dated the 22nd February, 2018

in

Civil Application No. 249/16 of 2017

.....

RULING

6th & 08th June, 2022.

FIKIRINI, J.A.:

The applicants, aggrieved by the decision of the High Court of Tanzania (Commercial Division) at Dar es Salaam in Commercial Case No. 142 of 2016, dated 10th March, 2017,

preferred an appeal to this Court. The applicants lodged their notice of appeal on 6th April, 2017, but since they could not serve the respondent as required, they applied for an extension of time to fulfill the obligation vide Civil Application No. 249/16 of 2017. The application came on for a hearing on 22nd February, 2018. The applicants' counsel could not enter appearance and argue the application, which led to its dismissal with costs, hence the present application.

On 6th June, 2022, when this application came on for hearing, Mr. Novatus Michael Muhangwa and Mr. Laurent Leonard learned counsel for the parties appeared for their respective clients.

Mr. Leonard, counsel for the respondent, outright informed the Court that the respondent did not intend to contest the application. Mr. Muhangwa received the gesture well and prayed the dismissed application restored with no order as to costs.

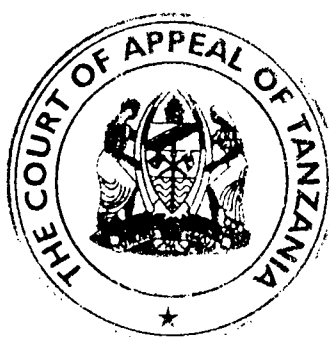
In terms of Rule 63 (3) of the Court of Appeal Rules, 2009,
I thus proceed to grant the application by restoring Civil
Application No. 249/16 of 2017 with no order as to costs.

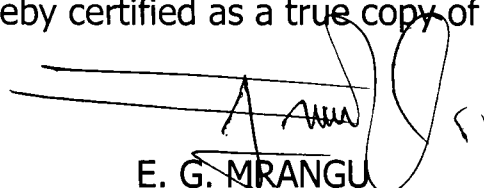
It is so ordered.

DATED at DAR ES SALAAM this 8th day of June, 2022.

P. S. FIKIRINI
JUSTICE OF APPEAL

The Ruling delivered this 8th day of June, 2022 in the presence
of Ms. Laurent Leonard, learned counsel for the respondent, also
holding brief of Mr. Novatus Mhangwa, learned counsel for
applicants, is hereby certified as a true copy of the original.




E. G. MRANGU
DEPUTY REGISTRAR
COURT OF APPEAL