

IN THE HIGH COURT OF TANZANIA
AT DAR ES SALAAM

CIVIL CASE NO. 395 OF 2000

1ST ADILI BANCORP PLAINTIFF

VERSUS

DAVID R. KEWAL DEFENDANT

28/4/2009:

Coram: Mlay, J

For the Plaintiff: El Maamry for Chipeta

For the Defendant: El Maamry for the Defendant

CC: Masebo

Mr. El Maamry: Mr. Chipeta had written to us in June 2008 to ask as if we know who the administration of the Defendants estate is and we told him we have lost contact with the Defendant's family. As Mr. Chipeta is not here so we pray for another date or the court determines how to proceed.

Order: The Defendant who is a sole defendant in the suit has been reported died since 7/9/2005. Since then the matter has been adjourned time and again for that reason. The law as contained in Order XXII Rule 4 (1) requires that an application be made in that behalf to join the legal representative of the deceased defendant. Subrule (3) states that, "where within the time limited by law no application is made under Subrule (1), the suit shall abate against the deceased defendant. The time limited by the Law of Limitation Act, is 90 days. As no such application has been made for nearly 4 years now to join the legal representative of the deceased Defendant the suit against the defendant has abated In terms of Order XXII Rule 4 (3).

J. I. Mlay,

JUDGE

28/04/2009.