

IN THE HIGH COURT OF TANZANIA

AT DAR ES SALAAM

CIVIL APPLICATION NO. 90 OF 2009

DEBORA LAWRENCE MATIMBAAPPELLANT

VERSUS

NATIONAL INSURANCE CORP (T) LTDRESPONDENT

Date of Last Order 26/11/09

Date of Ruling 7/12/09

R U L I N G

MWARIJA, J.

This is an application for leave to file a suit against the respondent, the National Insurance Corporation. The application has been made under S. 9 (1) of the Bankruptcy Act, Cap. 25 R.E 2002 and Section 43 of the Public Corporations Act, Cap. 257 R.E.2002. The applicant Debora Lawrence Matimba has stated in his affidavit in support of the application that she was knocked down by a Motor Vehicle Reg No. T.696 KB make Isuzu ELF and as a result she suffered injuries. The vehicle was insured by the respondent. The applicant intends now to file a suit against the respondent, a specified public corporation. Since according to the law she requires leave to do so, she has filed this application.

The learned Counsel for the respondent, Mr.Mwakifuna did not have any objection to the application. In fact the parties filed a deed of consent agreeing that leave be granted on the condition that the costs be in the cause.

Having considered the application and the fact that the parties have agreed that the same may be granted, I see no reason for denying the applicant her right of perusing ⁵his claim. Accordingly, I hereby grant the application as prayed. Costs in the cause.

A.G.MWARIJA

JUDGE

7/12/2009

Date: 7/12/2009


Coram: A.G.Mwarija, J.

For the Applicant: Mr.Maimu

For the Respondent : Absent

CC: Patrick

Ruling delivered.


A.G.MWARIJA

JUDGE

7/12/2009