

**IN THE HIGH COURT OF TANZANIA**

**(LAND DIVISION)**

**AT ARUSHA**

**MISC. LAND APPLICATION NO.58 OF 2015**

**MAWENI VILLAGE COUNCIL ..... APPLICANT**

*VERSUS*

**TERUTILIA ELIFASI KAAYA }  
NDELILIO OBILIO MBISE }**

**..... RESPONDENTS**

**RULING**

**S.M. MAGHIMBI, J.**

This application was brought under Order XXXVII Rule 1(a) of the Civil Procedure Code Cap 33 R.E 2002 and any other enabling provisions. The applicant was seeking for temporary injunction orders to restrain the respondent, their agents or servant from disturbing the applicants from occupation of the land in dispute and from dealing with the suit land in any way pending the final disposal of the main suit.

The application was supported by an affidavit sworn by one Christopher John Akyoo who is the Village Executive Officer of the Applicant.

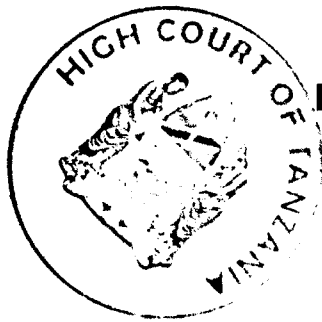
Having gone through the records of the application and the submissions thereto, I have noted that this application forms its basis on Land Case No. 54/2014 which the parties thereto are Andrea R. Sululu & Others Vs. Elibariki Remtula Nasani & Others. These are not the same parties that are to this application, I cannot therefore proceed to grant the injunction.

It is evident that this application at hand has no any suit to support it. No order of temporary injunction can be issued between parties without having a suit pending before the Court to form a basis of the application. It is for this reason that this application is hereby struck out with costs to follow events.

Dated at Arusha this 08<sup>th</sup> day of September, 2015

**SGD**  
**S.M MAGHIMBI**  
**JUDGE**

I hereby certify this to be a true copy of the original.



  
**Deputy Registrar**  
**High Court**  
**Arusha**

30/10/15