

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF
TANZANIA**

(ARUSHA DISTRICT REGISTRY)

AT ARUSHA

MISC. ALAND APPLICATION NO. 13 OF 2018

JUMA RASHID MOHAMED1ST APPLICANT
JIPE KIPESHA MSHANA2ND APPLICANT
MWAJUMA SHABAN3RD APPLICANT
THOMAS MAGO NSWARE4TH APPLICANT
LUSIA JACKSON5TH APPLICANT

VERSUS

MAGARA VILLAGE COUNCIL1ST RESPONDENT
MAGARA VILLAGE COUNCIL2ND RESPONDENT
MAGARA VILLAGE COUNCIL3RD RESPONDENT

RULING

I. MAIGE, J

This is an application by the applicants to file a representative suit on their behalf and on behalf of 23 other persons whose names are contained in their joint affidavit and marked **JK-2**. The application is brought under order I rule 8 (1) and (2) of Civil Procedure Code Act, Cap. 33 R.E. 2002 ("CPC").

The cause of action in the intended suit is based on trespass by the respondents unto a piece of land located at Bonde la Zimbabwe area at Magara village within the District of Manyara ("the suit property"). The applicants and the persons listed in annexure JK-2 claim to have common interest on the suit property.

On the date of hearing, the applicants appeared in persons and were not represented. Mr. Yoshua, learned advocate, represented the respondents. He conceded to the application.

On my part, I have gone through the chamber summons and affidavit. I concur with the counsel for the respondents that the affidavit demonstrates common interests between the applicants and the persons whose names are listed in the list of names, on the suit to be filed. The application is henceforth granted. The applicants are hereby granted leave to file a representative suit against the respondents on their behalf and on behalf of the 23 persons whose names are listed in the list of names attached in the affidavit. I will not give an order as to costs, in the circumstance.

It is so ordered.



A handwritten signature in blue ink, appearing to read "I. Maige", is written over a horizontal line.

I. MAIGE

JUDGE

24/9/2018

Delivered in the presence of the applicants in persons and Mr. Yoshua, learned advocate for the respondents this 24th day of September 2018.



I. MAIGE,

JUDGE

24/9/2018