

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF
TANZANIA
(ARUSHA DISTRICT REGISTRY)
AT ARUSHA**

MISC. CIVIL APPLICATION NO. 92 OF 2018

(Arising from Civil Case No. 09 of 2018)

**G.S. HOLDING (T) LTD..... 1ST APPLICANT
AMINIEL SENYAEL AYO.....2ND APPLICANT**

VERSUS

ECOBANK TRUST TANZANIA LIMITED ... RESPONDENT

I. MAIGE, J

RULING

1. The applicants have filed this application for temporary injunction to restrain the respondent from disposing of the real property at plot number 834 Block 'DD' with CT No. 37612 situated within the municipality of Arusha ("the suit property") pending hearing and determination of a suit in **Civil Case No. 9 of 2018**. The application is supported by the affidavit of **AMINIEL SENYAEL AYO**,

the principle officer of the first applicant which supports the application. It has not been factually opposed.

2. On the date of hearing, the applicants were represented by MIKE LYIMO, and Miraji, learned advocates. Mr. Daniel Lyimo, learned advocate represented the respondent. He conceded to the application.
3. On my part, I have read the affidavit and satisfied myself that; the conditions for grant of temporary injunction set out in order 37 rule (2) of the CPC have been established in the affidavit. There are serious contentious issues in the pending suit exhibited in the plaint and counter claim. The **suit property** as irrefutably deposed in the affidavit, is a commercial building occupied by tenants. Obviously therefore, if the order is not granted, the applicants may suffer irreparably. I am in the circumstance also satisfied myself that the applicants stand in a position to suffer more if the order is not granted than the respondent would if the same is granted.
4. For those reasons therefore, the application is granted. The respondent either by herself or through any of her agent whomsoever are hereby restrained from

disposing of, selling, evicting from or in any way interfering with the applicant's possession and occupation of the **suit property** pending hearing and determination of the civil case number 9 of 2018. I will not give an order as to costs in the circumstance.

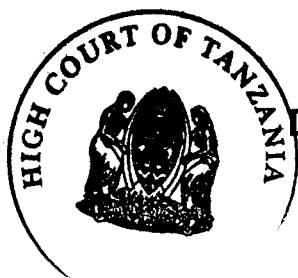
It is so ordered


SGD: I.MAIGE
JUDGE
26/10/2018

Ruling delivered this 26th day of October 2018 day of in the presence of Mike Lyimo and Miraji, learned advocates for the applicants and David Lyimo, learned advocate for the respondent.

SGD: I.MAIGE
JUDGE
26/10/2018

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




J. F. NKWABI
DEPUTY REGISTRAR
ARUSHA