

**IN THE HIGH COURT OF TANZANIA  
DAR ES SALAAM DISTRICT REGISTRY  
AT DAR ES SALAAM**

**MISC. CIVIL APPLICATION NO. 440 OF 2019**

(Arising from High Court Civil Appeal No 129 of 2019)

**1. TANZINDIA ASSURANCE**

**COMPANY LIMITED.....1<sup>ST</sup> APPLICANT**

**2. CMC AUTOMOBILE LIMITED.....2<sup>ND</sup> APPLICANT**

**VERSUS**

**RICHARD AUGUSTINE ZUBERI.....RESPONDENT**

**RULING**

**S.M. Kulita,J**

Advocate for the Applicant Ms. Hamida Sheikh submitted before this court praying for an ex-parte interim order for stay of execution of the decree in the Civil Case No. 124/2016 of Kisutu Resident Magistrate's Court for the reason that the applicants have already filed an appeal at High Court which has been registered as a Civil Appeal No. 129/2019. She said that the Applicant is compelled to seek for the interim ex-parte order as the Respondent (Decree Holder) is in a process of attaching the applicant's Bank Account No. 96101200000579 Bank of Baroda through the

garnishee order of the lower court and the same is about to be executed today afternoon.

She added that if the application is not granted the rationale of the said Civil Appeal No. 129/2019 will be nugatory.

From what have been submitted by the Learned Counsel, Ms Hamida Sheikh, Advocate for the applicant I find the reasons are genuine for the purpose of granting the ex-parte interim order. Therefore the garnishee order to attach the applicant's Account No 96010200000579 Bank of Baroda is hereby stayed pending hearing and determination of the application inter-parties.

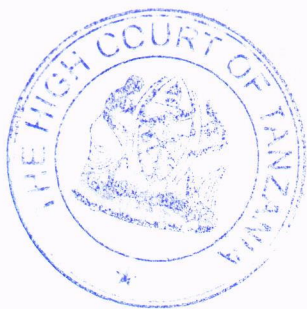


**S.M. Kulita**

**JUDGE**

**18/9/2019**

**Order:** Mention on 30/9/2019 as scheduled.



**S.M. Kulita**

**JUDGE**

**18/9/2019**