

**IN THE HIGH COURT OF THE UNITED REPUBLIC TANZANIA  
(DAR ES SALAAM DISTRICT REGISTRY)**

**AT DAR ES SALAAM**

**MISC CIVIL APPLICATION 316 OF 2017**

(Arising from Civil Case No. 105 of 2017)

**NGM GOLD MINE LTD.....APPLICANT**

**VERSUS**

- 1. TATA AFRICA HOLDINGS TANZANIA LTD**  
**2. YONO AFRICA HOLDING AUCTION MART ..... & CO. LTD** } **RESPONDENTS**

**RULING**

**EBRAHIM, J.**

The applicant has brought the present application under **Order 37R1. (a) and Section 68 (c) and (e) of the Civil Procedure Code, Cap. 33 R.E. 2002** seeking to restrain the respondent from forcefully taking the excavator which is the subject matter of Civil Case No. 105/2017 pending before this court. Counsel for the applicant has registered before the court that following the negotiations going on between the parties, the respondent does not intend to oppose the application.

Advocate Kitikiro has confirmed such assertion that they do not oppose the application on the basis that there is ongoing negotiation to settle the matter. He added that the negotiations have reached a positive stage.

That being the position therefore, I accordingly grant the temporary injunction and restrain the respondents or their agents or their workmen from forcefully taking the excavator No. T. 709 DAL from applicant pending the hearing and determination of Civil Case No. 105/2017.

No order as to costs. Each party shall bear its own in this application.



**R. A. Ebrahim**

**JUDGE**

**21/02/2020**