

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

AT DAR ES SALAAM

MISC CIVIL APPLICATION NO. 478 OF 2020

NSPT LIMITED APPLICANT

VERSUS

ZANZIBAR WATER AUTHORITY (ZAWA)..... 1ST RESPONDENT
DON CONSULT LIMITED 2ND RESPONDENT
AMANA BANK LIMITED 3RD RESPONDENT

Date of Last order: 09/10/2020

Date of Ruling : 09/10/2020

R U L I N G

MGONYA, J.

The instant Application before this Honorable Court has been brought under Certificate of Urgency. The same has been made under the provisions of **Order XXXVII Rule 1, sections 68 (e) and 95 of the Civil Procedure Code, Cap. 33 [R.E. 2002]**.

The Applicant's Chamber Summons has been supported by an Affidavit duly affirmed by **MSATU MDUYA MSATU**, the Applicant's Managing Director.

The main prayer in this Application being for an Order of this Honorable Court to grant an Interim Injunction restraining the

execution of the 1st Respondent's demand notes issued on 29th July, 2020 and 18th August, 2020 to the 3rd Respondent to pay/cash upon the Plaintiff's retention money guarantee in the amount of **USD 124,000.00.**

As all the three Respondents herein did not object the Application, and after this Honorable Court thorough perusal of the documents before it, this court is satisfied that the Application before the court has merit and deserves to be granted. That being the case, the **Application before the Court is accordingly granted.**

For avoidance of doubt, **the 3rd Respondent herein is hereby restrained to cash the Applicant's retention money being USD 124,000.00 under its custody as directed by the 1st Respondent herein by its two demand notes as mentioned above.**

That being the case, **the Application is hereby granted and each party to bear own costs.**

It is so ordered.



**L. E. MGONYA
JUDGE
09/10/2020**

Court: Ruling delivered in chamber in the presence of Ms. Anna Marealle, Advocate for the Applicant, Mr. Mengi Kigombe, Advocate for the 2nd Respondent, and in the absence of the 1st and 3rd Respondents and Ms. Mayalla, RMA on 9th day of October, 2020.



L. E. MGONYA
JUDGE
09/10/2020