

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

AT DAR ES SALAAM

MISC. CIVIL APPLICATION NO. 115 OF 2020

(Originating from civil Case No. 226 of 2019)

HARDMACK LOGISTICS LIMITED.....APPLICANT

VERSUS

CONNECT INDIA (TZ) CO. LTD1ST RESPONDENT

MTANDAO WA KIJANI KIBICHI TANZANIA.....2ND RESPONDENT

BANK OF AFRICA.....3RD RESPONDENT

BEST GROUP (T) LIMITED.....4TH RESPONDENT

RULING

Date of last order 12/03/2020

Date of Ruling 20/03/2020

EBRAHIM J.

This application emanates from Civil Case No. 226 of 2019. The applicant prays for the destruction of cashew whose transportation has been blocked at Alhushoom ICD/CFS so that the containers can be returned to the shipping line. Both counsels for the respondents have no objection for grant of application but have prayed for the waiver of cost.

Indeed looking at the issue on the business point of view, the damaged cashew nuts do not serve any viable business deal as they are now stale, other than causing more costs and expenses in awaiting the final outcome of the main case. It is on that background this court in invoking its inherent powers **under S. 68 (e) and S. 95 of the Civil Procedure Code**, I accordingly allow grant the application.

It is THUS ORDERED THAT:

The cashew nuts stored in eleven containers whose transportation has been blocked at Alhushoom ICD/CFS be accordingly safely destructed and the respective containers be returned to the shipping line. I give no order as to costs.



R. A. Ebrahim

JUDGE

20/03/2020