IN THE HIGH COURT OF TANZANIA

(IN THE DISTRICT REGISTRY)

AT MWANZA

MISC. CIVIL APPLICATION NO. 129 OF 2020

OJA COMPANY LIMITED.....APPLICANT

VERSUS

THE MOUNT MERU UNIVERSITY.....RESPONDENT

RULING

Last Order: 11.02.2021

Ruling Date: 11.02.2021

A.Z MGEYEKWA, J

The applicant filed an application brought under sections 8 (2) of the Arbitration Act, Cap. 15 [R.E 2019], Rule 5 (2) of the Civil Procedure (Arbitration) Rules. The application was accompanied by an affidavit sworn by Ombeni Shileendwa Swai, the applicant.

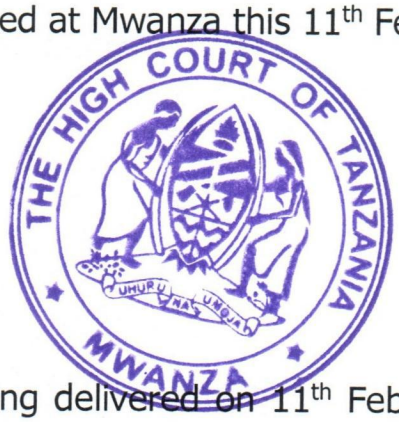
On 11th February, 2021 when the matter came for hearing before me, Mr. Silasi, learned Advocate represented the applicant while Mr. Betwale, learned counsel represented the respondent. The learned counsel for the respondent conceded to the application and by consent of both parties, it was agreed that the application be granted without costs.

Now, based on the consent of the parties and from what I have observed, granting the application at hand is the only proper option. I have considered that the parties on Clause 4 of their Tenancy Agreement dated 11th March, 2014 agreed thereon that at any time any question, dispute or difference shall arise the parties to this agreement, either party as soon as reasonably practicable give the party a notice of the existence of such question, dispute or difference.

I have gone through the applicant's application and found that the applicant has complied with conditions and terms as stated under the Tenancy Agreement. Therefore, I proceed to grant the applicant's application and appoint Hon. Stephen Kaijage to arbitrate the matter between the OJA Company Limited (the applicant) and Mount Meru University (the respondent). The application is granted without costs.

Order accordingly.

Dated at Mwanza this 11th February, 2021.



A.Z.MGEYEKWA

JUDGE

11.02.2021

Ruling delivered on 11th February, 2021 via audio teleconference whereas Mr. Silasi, learned counsel for the applicant, and Mr. Betwale, learned counsel for the respondent were remotely present.

A.Z.MGEYEKWA

JUDGE

11.02.2021