

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF ARUSHA

AT ARUSHA

MISC. CIVIL APPLICATION NO. 35 OF 2021

(CIVIL CASE NO. 25 OF 2019)

OGILVY TANZANIA LIMITED.....APPLICANT/THIRD PARTY

VERSUS

AIRTEL TANZANIA PLC.....1ST RESPONDENT/DEFENDANT

IVANNA FELIX TERI.....2ND RESPONDENT/DEFENDANT

RULING

07/05/2021 & 07/05/2021

GWAE, J

The applicant, Ogilvy Tanzania Limited has brought this application under
the provisions of Order I Rule 14 and section 95 of the Civil Procedure Code Cap
33 R.E. 2019 for orders that the applicant be granted leave to issue and serve a
Third-Party Notice upon Gallo Images (Pty) Limited.

The application is further supported by a sworn affidavit of the applicant's
advocate Mr. Wilbard John Massawe whose affidavit is to the effect that, the said
Gallo Images (Pty) Limited is a necessary party to be joined in the suit registered
as Civil Case No. 25 of 2019 since the plaintiff's images which are the subject of
the said suit were purchased from the said Gallo Images (Pty) Limited. According
to the applicant the said Gallo is in better good position to assist the court in

determining who shared the contentious images and whether the said person obtained the consent of the 2nd respondent now plaintiff.

When the matter came for hearing, the applicant was represented by the learned counsel Mr. Wilbard John Massawe whereas the 1st respondent and the 2nd respondent/plaintiff enjoyed legal services from the learned counsel namely; Mr. Robert Mgoha George and Mr. Richard Massawe respectively. The respondents' counsel who appeared appearance did not object the applicant's application.

Pursuant to the provisions of order I rule 14 of the Civil Procedure Code and taking into account the applicant's affidavit that, the party sought to be issued with a Third-Party Notice is a necessary party to this suit and for the interest of attaining not only substantive justice but also for the sake of determining the matter between the parties conclusively instead of dispensation of justice in peace meal, this application is thus found grantable.

Basing on the reason above, this application is consequently granted. The Third-Party Notice shall be issued within ten (10) days from the date of this ruling, and the Written Statement of Defence shall be filed by the said Gallo Images (Pty) Limited within twenty-one (21) days from the date of service of the third-party notice.




M. R. GWAE
JUDGE
07/05/2021