

**IN THE HIGH COURT OF TANZANIA**

**IN THE DISTRICT REGISTRY**

**AT MWANZA**

**MISC. LAND APPLICATION NO. 41 OF 2021**

(Arising from Land Case No. 4 of 2021)

**AYUBU ASHIBERI .....APPLICANT**

**VERSUS**

**PAMELA DARIA MUGARULA .....RESPONDENT**

**REASONS FOR THE DECISION**

9<sup>th</sup> & 30<sup>th</sup> June, 2021

**RUMANYIKA, J.:**

When, under Orders 1 Rule 14 (1) (b), XLIII Rule 2 and Section 95 of the Civil Procedure Code Cap 33 RE. 2019 the application for 3<sup>rd</sup> party notice to Pamela Daria Mugarula (the respondent) inter pates was, by way of audio teleconference called on 9/6/2021 for hearing, the latter appeared in person and she readily supported the application. Ms. Mary Maganga learned counsel appeared for Ayoub Ashiberi (the applicant) having had heard them through mobile numbers 0753834493 and 0764286004 respectively I granted the application and reserved reasons therefor. Here are the reasons;

**one**, the respondent readily supported it **two**; now that at times the 3<sup>rd</sup> party respondent now sought to be joined to the suit she owned the disputed plot whether lawfully or wrongly she is the one alleged to have, by way of sale passed title onto the applicant such that without her being joined to the case, on that one the applicant could have not been fairly heard leave alone hearing **three**; without joining and hearing the said Pamela Daria Mugarula therefore, the main case therefore it could not be fairly and conclusively determined in my considered view. It is also for these reasons that wisely so in my opinion the respondent readily conceded to the application. Each party shall bear their costs.

  
**S. M. RUMANYIKA**

**JUDGE**

**28/06/2021**

Reasons delivered under my hand and seal of the court in chambers this 30/6/2021 in the absence of the parties.



  
**S. M. RUMANYIKA**

**JUDGE**

**30/06/2021**