

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**  
**IN THE DISTRICT REGISTRY OF MUSOMA**  
**AT MUSOMA**

**Misc. CIVIL APPLICATION No. 19 OF 2022**

*(Arising from the High Court (Musoma District Registry) in Civil Case  
No. 6 of 2021)*

**RAMADHANI SEMBEJO MONGU ..... APPLICANT**

*Versus*

**1. MUSOMA MUNICIPAL COUNCIL**  
**2. MARTINE KOROGO**  
**3. ANTHONY BAGAKA &**  
**4. THE ATTORNEY GENERAL** } ..... **RESPONDENTS**

**RULING**

**01.08.2022 & 01.08.2022**

**Mtulya, J.:**

The principle of overriding objective is currently well appreciated between parties who are bringing disputes in this court and their learned counsels who are representing them in searching of justice in our courts. Today two (2) learned minds and two (2) lay persons were in contest on maintaining the *status quo* in a piece of land which is part of the claim of monetary compensation filed in this court numbered **Civil Case No. 6 of 2021** (the case) between Ramadhani Sembajo Mongu (the applicant) on one hand and Musoma Municipal Council (the first respondent), Martine Korogo (the second respondent),

Antony Bagala (the third respondent), and the Attorney General (the fourth respondent) on the other.

The two persons are the third respondent and the applicant and two learned minds, are Mr. Goodluck Lukandiza, learned State Attorney, who appeared for the first and fourth respondents and Mr. Thomas Makongo, learned counsel, who registered his presence for the second respondent). Initially when the application was scheduled for hearing, the second respondent had preferred counter affidavit in protest of the application and the third respondent entered oral protest on the hearing date, 1<sup>st</sup> August 2022 complaining the application failed to describe the specific area of the land in compensation.

However, after considering the prayer of the applicant, and the cited case in main dispute, the two learned minds in Mr. Lukandiza and Makongo agreed that the status quo may be maintained in land dispute registered in this court in the case, which is an obvious appreciation of the overriding objective principle enacted in section 3(A) & (B) of the **Civil Procedure Code** [Cap. 33 R.E. 2019] (the Code). For the third respondent, the reply from this court is straight forward that he is part of the case and has never protested the case on specific descriptions of the land in the claim of compensation. As long as the main suit

in Civil Case No. 6 of 2021 between the parties is in place, the protest of the third applicant in the present application is misplaced. The prayer of the applicant in the instant application is drafted in the following text, which briefly, shows that:

*This honourable court be pleased to issue an order for temporary injunction for maintenance of **status quo** in restraining the respondents or their agents from selling the land pending the determination of **Civil Case No. 6 of 2021.***


From the prayer, it was obvious that the applicant is praying **status quo** as of current, today 1<sup>st</sup> August 2021 to the completion of the case to the finality, which I think, in my considered opinion, there would not be any problems in issuing the injunction order unless the respondents produce good reasons to deny the order. In the present application, I see no materials to support refusal of the order. In any case, the two officers of this court from the two (2) respondents in the instant application have supported the move. I think, they are aware of the enactment of the overriding objective principle in our Code and change of the course in avoiding unnecessary legal technicalities in favour of speedy trials in our courts. I think, the

principle has to be transacted to parties and justice stakeholders for easy administration of justice in this State.

Having said so, and noting this is a court of law and justice, I see no reasons why the applicant should be denied his prayer in the present application which was cherished by two (2) officers of this court in favour of speed trial of the main suit. I am therefore moved to grant the prayer as I hereby do so. I further order the parties to maintain *status quo* pending determination of the main suit in the case, **Civil Case No. 6 of 2021** between the parties. I award no costs as officers of this court supported the application and in any case, the main dispute is still on the course to determine the issue of compensation.

Ordered accordingly.



  
F. H. Mtulya

**Judge**

01.08.2022

This ruling was delivered in chambers under the seal of this court in the presence of the applicant, Mr. Ramadhani Sembejo Mongu (the applicant), the second respondent. Mr. Martine Korogo, the third respondent Mr. Antony Bagala and in the presence of Mr. Thomas Makongo, learned counsel for the second respondent and Mr. Goodluck Lukandiza, learned State Attorney for the first and fourth respondents.



F. H. Mtulya

**Judge**

01.08.2022