

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**(MWANZA SUB-REGISTRY)**

**AT MWANZA**

**MISC. CIVIL APPLICATION NO. 26 OF 2022**

*(Arising from Civil Case No. 7 of 2022 pending in the High Court of Tanzania at Mwanza)*

**BAYA KUSANJA MALAGI.....APPLICANT**

**VERSUS**

**CRDB BANK PLC.....RESPONDENT**

**R U L I N G**

**2<sup>nd</sup> May, 2022**

**DYANSOBERA, J.:**

The applicant, Baya Kusanja Malagi, is the plaintiff in Civil Case No. 7 of 2022 in which the respondent CRDB Bank PLC is the defendant. In that suit, the latter is being sued by the former for, *inter alia*, breach of agreement and payment of Tshs. 979, 261, 760.74/= .an amount alleged to have not been reduced from the outstanding loan. The respondent has resisted the claim by way of a written statement of defence. The applicant has, in addition to the filed plaint, filed this application under a certificate of urgency craving for a temporary restraining order against the respondent, her agents, workmen, assignees and other person under

her instruction from appointing receiver, leasing, entering into possession, attachment and sale of the applicant's land at Plot No. 3 Block "BB" at Mabatini Service Industrial Area and Plot No. 2 Block "Q", Rufiji in Mwanza City together with six passenger buses, namely T 726 DME, T 987 DNV, T 988 DNV, T 728 DME, T 233 DNH and T 235 DNH mortgaged to secure the loan of Tshs. 1, 460, 000, 000/= obtained from the respondent pending the hearing of the main suit.

The respondent has not filed a counter affidavit to counter the application.

At the hearing of this application, the applicant was represented by learned Counsel, Mr. Salum Fundikira while Mr. Galati Mwantembe, learned Advocate, stood for the respondent. Mr. Galati informed this court that they are not resisting the applicant's application and prayed that the application be granted with no order as to costs. Mr. Salum Fundikira joined hands with learned Counsel for the respondent.

Having considered the application and the supporting affidavit and since the application stands unopposed, I find the application meritorious.

In consequence, the application is granted and a temporary restraining order is issued against the respondent, her agents, workmen, assignees and other person under her instruction from appointing receiver, leasing, entering into possession, attachment and sale of the applicant's land at Plot No. 3 Block "BB" at Mabatini Service Industrial Area and Plot No. 2 Block "Q", Rufiji in Mwanza City together with six passenger buses, namely T 726 DME, T 987 DNV, T 988 DNV, T 728 DME, T 233 DNH and T 235 DNH mortgaged to the secure the loan of Tshs. 1, 460, 000, 000/= obtained from the respondent pending the hearing of the main suit.

No order as to costs is made.



**W.P. Dyansobera**  
**Judge**  
**2.5.2022**

This ruling is delivered under my hand and the seal of this Court on this 2<sup>nd</sup> day of May, 2022 in the presence of Mr. Salum Fundikira, learned Advocate for the applicant and Mr. Galati Mwantembe, learned Counsel for the respondent.



**W.P. Dyansobera**  
**Judge**