

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(DAR-ES-SALAAM DISTRICT REGISTRY)

AT DAR-ES-SALAAM

MISCELLANEOUS CIVIL APPLICATION NO. 398 OF 2022

(Arising from Civil Case No. 76 of 2022)

FREDY RICHARD MAGABE APPLICANT

VERSUS

ALLIANCE INSURANCE CORPORATION LIMITED 1ST RESPONDENT

OGAPE WILFRED KILEO (as administrator
of the estate of the late Emmanuel Wilfred Kileo) **2ND RESPONDENT**

MSENGI S/O FREDRICK HAMIS 3RD RESPONDENT

RULING EX-PARTE

Date: 13 & 13/02/2023

NKWABI, J.:

The application is for leave to the applicant to have leave to present a Third-party Notice to join Alliance Insurance Corporation Ltd in Civil Case no. 76 of 2022 between Ogabe Wilfred Kileo (As administrator of the Estate of the late Emmanuel Wilfred Kileo v. Msengi S/O Fredrick Hamis & Fredy Richard Magabe.

The applicant is also praying for costs of the application to be in the cause and any other relief that this honourable Court may deem just and fit to grant. The chamber summons is supported by the affidavit of Fredy Richard Magabe.

During the hearing of the application, Mr. Grayson Rweyemamu, learned counsel for the applicant, appeared for the applicant. For the 1st respondent Ms. Tabitha Maina, learned counsel, appeared while Mr. Boniphace Erasto, also learned counsel appeared for the 2nd respondent.

In the hearing which proceeded ex-parte, Mr. Rweyemamu maintained that they have made a prima facie case in this application against the 1st respondent who insured the applicant's motor vehicle and they have attached the insurance cover note.


I have closely gone through the application and its supporting affidavit. I have also considered the submissions of the learned counsel for the applicant, I am persuaded that the applicant has made a prima facie case against the 1st respondent in this application for there is insurance cover note No. 9195581 issued by the 1st respondent on 21st January 2021 which covers the motor vehicle with Registration Number T. 323 DMK make Toyota Coaster up to 20th January 2022. According to the evidence on record the accident happened on 31st August 2021 during the pendency of the insurance cover. The motor vehicle is the property of the applicant.

Consequently, I allow the application. Leave is granted to the applicant to present a Third-party Notice to join Alliance Insurance Corporation Ltd in Civil Case no. 76 of 2022 between Ogape Wilfred Kileo (As administrator of the Estate of the late Emmanuel Wilfred Kileo v. Msengi S/O Fredrick Hamis & Fredy Richard Magabe. Costs shall be in the cause.

It is so ordered.

DATED at **DAR-ES-SALAAM** this 13th day of February, 2023.




J. F. NKWABI
JUDGE