

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE SUB-REGISTRY OF MWANZA
AT MWANZA**

MISC. CIVIL APPLICATION NO. 87 OF 2022

SAHARA MEDIA GROUP LIMITED..... 1ST APPLICANT
CONTINENTAL FOUNDRIES AND FORGING COMPANY LTD2ND APPLICANT
ANTHONY DIALLO MWANDU..... 3RD APPLICANT

VERSUS

KCB BANK TANZANIA LIMITED.....RESPONDENT

RULING

16th February & 16th February 2023

Kilekamajenga, J.

The instant application seeks the following orders:

- a) This court be pleased to issue a temporary injunctive order against the Respondent, its agents, employees/servants, assignees or any other persons claiming title or right under the Respondent restraining them from auctioning, disposing of or in any way interfering with the suit premises, that is, Plot No. 4 Imagi Hill Dodoma with C.T. no 23299 DLR, Plot No. 2, Block "C", Nyamhongolo Industrial Area with C.T. No. 36059 LR Mwanza, Plot No. 72, with C.T. No. 6284 LR Mwanza at Nyakato Industrial Area, Plot No. 7, Block "C" Ilemela Industrial Area with C.T. No. 42180 LR Mwanza and Plot No. 6, Block "C" Ilemela Industrial Area with C.T. No. 6493 pending the hearing and final disposal of the main suit between the parties herein.*
- b) Any other reliefs that this court will deem just and convenient to grant:
and,*



c) Costs to follow the outcome of the main suit.

During the hearing of the application, the court realised that the respondent has not been able to file the counter affidavit despite her counsel, Ms. Marina Mashimba appearing in court on 16/11/2022. Finally this court ordered the application to proceed despite the absence of the counter affidavit. It is from this basic reason that, the counsel for the applicants was given an exclusive right to address the court on the application.

Before further submission, the counsel for the applicant, Mr. Kiteja prayed to adopt the affidavit accompanying the application. According to the counsel's submission, the application originates from Civil Case No. 36 of 2022. But this application seeks the order to maintain "*Status quo*" of the parties pending determination of the main case. The major concern in the main suit is premised on the inflated loan facility from the respondent from USD 2,016,955 to USD 34,911,761.2. Despite several requests to account for such loan difference, the respondent has reluctantly failed to assist the applicant. The applicants therefore, seeks an order to maintain "*Status Quo*" of the parties until the main case is determined.

The careful consideration of the counsel's submission does not leave any shred of doubt that, the applicants have grievances against the respondent's act of

inflating the loan facility. If the mortgaged properties are disposed of, in any way, before this dispute is resolved, the applicants are likely to suffer an irreparable loss. Prudence and justice demand the parties to maintain their "*Status Quo*" until their differences are cleared out through the main case which is also pending before this court.

I hereby allow the application and order the parties to maintain their 'Status Quo' pending determination of Civil Case No. 36 of 2022. No order as to costs. It is so ordered.

DATED at **Mwanza** this 16th day of February, 2023.



Ntemi N. Kilekamajenga.

JUDGE

16/02/2023



Court:

Ruling delivered this 16th February 2023 in the presence of the Counsel for the applicants, Mr. Charles Kiteja(Adv) and the Counsel for the respondent Mr. Kyariga N. Kyariga (Adv).



Ntemi N. Kilekamajenga.
JUDGE
16/02/2023

