

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

ARUSHA SUB-REGISTRY

MISC. CIVIL APPLICATION NO. 86 OF 2023

(arising from Civil Case No. 26 of 2023)

1. PETER CHRISTOPHER MHINA

2. BEN PETER MHINA..... APPLICANTS/DEFENDANTS

VERSUS

1. ELIEKA AMOSI SENGOKA

2. JULIUS JOHN @ DUNCAN.....RESPONDENTS/PLAINTIFFS

AND

JUBILEE LIFE INSURANCE CORPORATION OF

TANZANIA LIMITED..... INTENDED THIRD PARTY

RULING

27/2/2024 & 27/2/2024

NDUMBARO, J

The applicants above have brought this application under the provision of Order I Rule 14 (1) (a) (b) (c) (2), (a), (b), (c), (d) and (3) of the Civil Procedure Code Cap 33 R.E. 2019 for the orders that the applicants be granted leave to issue and serve a Third-Party Notice upon Jubilee Life Insurance Corporation of Tanzania and a copy of the plaint and written statement of defence in Civil Case No. 26 of 2023.

The application is further supported by the sworn affidavits of both applicants, whereby it is stated that the 1st applicant is the registered owner of the motor vehicle with registration No. T 782 DDM, which was involved in an accident with the respondents. It is the contention of the 1st applicant, that at the time of the accident, his motor vehicle had a valid insurance contract with Jubilee Life Insurance Corporation of Tanzania Limited. According to the terms of the Insurance Policy the Insurance (the intended third party) is the one to undertake payments on his behalf for all third-party risks and claims arising out of the accident or injury caused/involving his motor vehicle or indemnify him on the claims arising thereof.

When the matter was called for hearing, the applicants were represented by the learned counsel **Mr. John Mushi**. As the matter was made ex parte under order 1 rule 14(2) of Civil Procedure Code respondent was not required to appear to object to the application. In that regard, the application was disposed of orally where the learned counsel basically expounded what was stated in the applicants' affidavits in considering requirements of order 1 rule 14 (1) and (2) of Civil Procedure Code in relation to third part notice.


I have meticulously considered this application, and given the nature of the suit filed against the applicants by the respondents in Civil Case No. 26 of 2023, the party sought to be issued with a Third-Party Notice is a necessary party to be joined in the said suit.

In the interest of attaining substantive justice, the applicants' application is hereby granted.

The Third-Party Notice is to be issued within ten (10) days from the date of this ruling.

It is so ordered.




D. D. NDUMBARO
JUDGE
27/02/2024