

**IN THE HIGH COURT OF TANZANIA**

**(COMMERCIAL DIVISION)**

**AT DAR ES SALAAM**

**MISC. COMMERCIAL APPLICATION NO. 141 OF 2020**

**(Arising from the decision of Miscellaneous Commercial Cause NO. 134 of 2018  
dated 13<sup>th</sup> May 2020 by Hon. Phillip J)**

**NZARO NUHU KACHENJE**

**(As liquidator of PASHA FOOD AND BEVERAGE)..... APPLICANT**

**RULING**

**B.K. PHILLIP, J**

On 13<sup>th</sup> May, 2020 this Court appointed the learned Advocate Nzaro Nuhu Kachenje , the applicant herein as an the official liquidator Pasha Food and Beverage Limited for a period of two months. In this application the applicant seeks for an order for extension of time granted by court as the same expired in July 2020, while the applicant has not finished discharging his duties as the liquidator.

This application is made under Rule 91 of the Company (Insolvency) Rules, GN. No. 43 of 2005 and Section 95 of the Civil Procedure Code Cap 33, R.E. 2019,(Henceforth "the CPC"). It is supported by the affidavit sworn by the applicant, Mr. Nzaro Nuhu Kachenje.

The application was heard by way of written submissions and the learned Advocate Ruquaiya Abdulla Al-Harthy filed the submissions in support of the application. In her submissions, Ms. Ruquaiya narrated the background

of the application and proceeded to submit that, the liquidator, Mr. Kachenje was not able to finish his duties due to the fact that it has been difficult to obtain required information from then managing Director of Pasha food and Beverage Ltd, Mr. Burak Buyuksarak, as he is currently not involved in the Company. She contended that that the delay in finishing the work was beyond the applicant's control. She prayed the application to be granted.

Having read the affidavit in supporting this application, I am satisfied that, this is a fit case to extend the time of the liquidator to enable him to accomplish his tasks. Thus, pursuant to the provisions of Section 95 of the CPC, I hereby extend the time of the liquidator for a period of two months from the date of this order. It is so ordered.

Dated at Dar es Salaam this 3<sup>rd</sup> day of November, 2020.



**B.K.PHILLIP**

**JUDGE**