

IN THE HIGH COURT OF TANZANIA

(COMMERCIAL DIVISION)

AT DAR ES SALAAM

MISC. COMMERCIAL APPL. NO. 104 OF 2022

(Originating from Commercial Case No. 25 of 2021)

EQUITY BANK TANZANIA LIMITED1ST APPLICANT

EQUITY BANK KENYA LIMITED 2ND APPLICANT

VERSUS

TSN OIL (TANZANIA) LIMITED1ST RESPONDENT

TSN SUPERMARKET LIMITED2NDRESPONDENT

TSN LOGISTICS LIMITED.....3RD RESPONDENT

TSN DISTRIBUTORS LIMITED4TH RESPONDENT

Last Order: 27/06/2022

Date of Ruling:06/07/2022

RULING

NANGELA, J.,:

This application has not been vigorously contested by the Respondents save for 2 documents which the Applicant mentioned in paragraph II(a) and (b) of the affidavit of Ms. Isabela Maganga filed in support of the application. The documents were not attached to form part of the affidavit. As such the Respondent counsel Mr. Frank Mwalongo has contended that he has been deprived of the opportunity to assess the documents and form an opinion whether they are

to object them or not. Mr. Mwakingwe has offered to avail them to the Respondents' counsel holding that it was an oversight that they were unattached.

While I agree with Mr. Mwalongo that he had a right to have prior time to assess the documents referred in Para II(a) and (b) of the said affidavit, I find that, since in principle he does not object to the filing of the additional documents, I see no reason why I should decline to the prayer that he be availed with those two documents and have time to go through them prior to the hearing of this case.

In the upshot I grant the application and order that the two documents mentioned in Para II (a) and (b) of the affidavit of Ms. Isabela Maganga be availed to the learned counsel for the Respondents by end of business today 6th July, 2022 failure of which the same shall be excluded from the list.

The granting of the prayers in respect of the application is with no orders as to costs.

It is so ordered.



Dr. D.J. Nangela,

**JUDGE HIGH COURT OF TANZANIA
(COMMERCIAL DIVISION)**

6th day of July, 2022