

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(LAND DIVISION)
AT DAR ES SALAAM**

MISC. LAND APPLICATION NO. 226 OF 2021
(C/F Land Case No. 31 of 2020)

A & M ENGINEERING LIMITED.....APPLICANT/INTERESTED PARTY

VERSUS

NMB PLC1ST RESPONDENT

MAYO (1999) COMPANY LIMITED2ND RESPONDENT

YASH INTERNATIONAL (T) LIMITED3RD RESPONDENT

R U L I N G

Date of last Order: 12/10/2021

Date of Ruling: 22/10/2021

T. N. MWENEGOHA, J.

The Applicant one, A & M Engineering Limited filed this Application under Order I Rule 10(2) as well as Section 95 of Civil Procedure Code, Cap. 33 R. E. 2002 and any other enabling provisions of Law that:-

- a. That the Applicant/Interested party herein be joined as a Defendant in the main suit;**
- b. That upon granting prayer (a) above, the Applicant/Interested Party be allowed to file its Written Statement of Defense;**

- c. That costs of this Application be in the course of the main suit;
and**
- d. Any other order or relief(s) as the Honorable Court may deem
fit and just in the circumstances.**

This Court granted an order for the 2nd and 3rd respondents to appear for hearing of the application and summons were published in widely circulated newspapers including that of Nipashe dated 14/09/2021 at page 18 and the Guardian dated 14/09/2021 at page 3. The 1st and 3rd respondents were further given time to file their reply, however they neither entered appearance in Court nor filed a reply.

Moreover, the 1st Respondent did not oppose the Application, instead they decided to concede with the Application to save the time of this Court.

Having no reason to deny this application, I hereby allow this Application as follows:-

- 1. The Applicant/interested Party herein is joined as a Defendant in the Land Case No. 31 of 2021;**
- 2. The Applicant is hereby allowed to file his written Statement of Defence within Seven days (7) from the date of this ruling; and**
- 3. Costs to follow cause.**

It is so ordered.

Dated at Dar es Salaam this **22nd** day of **October, 2021.**




T. N. MWENEGOHA
JUDGE