

IN THE HIGH COURT OF TANZANIA

(LAND DIVISION)

AT DAR ES SALAAM

MISC. LAND APPLICATION NO. 508 OF 2022

(Arising from the Land Case No. 183 of 2022)

REINFRIDA SKEETER EMMANUEL MMBANDO (As administrator of
the estate of the late EMMANUEL STANSISLAUS MMBANDO... **1ST APPLICANT**

GREY INVESTMENT COMPANY LIMITED **2ND APPLICANT**

VERSUS

CRDB BANK PLC **1ST RESPONDENT**

MEM AUCTIONEERS & GENERAL BROKERS LTD **2ND RESPONDENT**

IBEDNEGO WILSON LYANGA **3RD RESPONDENT**

RULING

Date of last Order: 11.10.2022

Date of Ruling: 11.10.2022

A.Z MGEYEKWA, J

The applicants' application is brought under the Certificate of Urgency. The same is made is made under Order XXXVII Rule (1) (a), section 68 (c), (e),

and 95 of Civil Procedure Code Cap.33 [R.E 2019]. The application was accompanied by a joint affidavit sworn by Reinfirda Skeeter Emmanuel Mmbando, the 1st applicant and Principal Officer of the 2nd applicant. The respondents counsel did not oppose the application.

The application is borne from the facts that, the applicants pray for an injunction to restrain the respondents, their agents, workmen, servants, or any person acting under the respondent's instruction or purporting to have derived interests or rights from the respondent from transferring title or dealing or interfering with Plot No. 762 Block 'A' Kijitonyama at Dar es Salaam with Certificate of Title No. 42032 pending final and conclusive determination of the main suit.

When the application was called for hearing on 16th September, 2022, Mr. Jonathan, learned counsel who appeared for the respondents sought to concede to the application. The learned counsel also prayed that this Court to proceed with hearing the main case on merit. The applicant neither his counsel was not present in Court, however, due to the nature of the prayer made by the respondents' counsel, this Court did not hesitate to determine the application in the absence of the applicant.

Luckily, this issue will not detain me as the respondent's counsel has no any objection to the applicant's application. Therefore, the task ahead of me is to grant the applicant's application for temporary injunction pending the hearing of Land Case No. 183 of 2022 on merit. No order as to costs.

Order accordingly.

DATED at Dar es Salaam this 11th October, 2022.



A.Z.MGEYEKWA

JUDGE

11.10.2022

Ruling delivered on 11th October, 2022 in the presence of Mr. Jonathan, learned counsel for the respondents.



A.Z.MGEYEKWA

JUDGE

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