

IN THE HIGH COURT OF TANZANIA

(LAND DIVISION)

AT DAR ES SALAAM

MISC. LAND APPLICATION NO. 55 OF 2023

NUTRIUX INTERNATIONAL COMPANY LTD APPLICANT

VERSUS

ALISAAR INDUSTRY CO. LTD 1ST RESPONDENT

OMARI SALIMU MANDARI (As Administrator of the

Estate of the late Salimu Omari Mandari) 2ND RESPONDENT

RULING

Date of Last Order: 22.02.2023

Date of Ruling: 22.02.2023

A.Z.MGEYEKWA, J

The applicant has filed the instant Application under the Certificate of Urgency through Chamber Summons. The application was brought under Section 14 (1) of the Law of Limitation Act, Cap. 89 [R.E 2019] and section 95 of the Civil Procedure Code Cap.33. The application was supported by

an affidavit deposed by Mwarami Iddi Seif, Managing Director of the applicant. The respondents did not file any counter affidavit.

When the matter was called for hearing, the applicant had the legal service of Mr. Ahmed Abdallah Mwita, learned counsel, the 1st respondent enjoyed the legal service of Ms. Salha Mlilima, learned counsel, and the 2nd respondent had the legal service of Ms. Jacqueline Kulwa, learned counsel.

The learned counsels for the respondents did not object to the Application. Therefore, the learned counsel for the applicant prayed for this Court to submit oral his prayers to allow the applicant to join the main case and the 1st respondent who is the Plaintiff be ordered to amend the Plaint to include the applicant in the main case. Both learned counsels for the respondents had no objection to the prayer made by the learned counsel for the applicant.

That being the case, this Court proceeded to allow the application for an extension of time for the applicant to file an application by the interested party to join as a necessary party to the suit. Likewise, this Court proceeded to grant Mr. Ahamed prayer which was made orally before this Court to allow the applicant to join as a party to Land Case No.145 of 2022. In doing so, I considered the fact that the law requires a person who has

an interest in a subject matter to be allowed to defend himself and the court to determine his defence before making its decision. See the case case of **Attorney General v National Housing Corporation & 3 others**, Civil Application No. 432/17 of, the Court of Appeal of Tanzania observed that it was appropriate to allow the applicant to join a case and accord him the opportunity to be heard on the application.

In the upshot, the applicant's application has merit, the applicant is allowed to join as a party in Land Case No.145 of 2022. No order as to the costs. Order accordingly.

DATED at Dar es Salaam this 22nd February, 2023.




A.Z.MGEYEKWA

JUDGE

22.02.2023

Ruling delivered on 22nd February, 2023 in the presence of Mr. Ahmed Abdallah Mwita, learned counsel for the applicant, Ms. Salha Mlilima, learned counsel for the 1st respondent, and Ms. Jacqueline Kulwa, learned counsel for the 3rd respondent.




A.Z.MGEYEKWA

JUDGE

22.02.2023