

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

MISC. LAND CASE APPLICATION NO. 165 OF 2023
(Originating from Land Case No.67 of 2023)

**BAGAMOYO BATTOIR AND PROCESSING
COMPANY LIMITED.....APPLICANT**

VERSUS

**ATHUMAN OMARY SAID.....1ST RESPONDENT
KIBAHA REAL ESTATE AGENCY LIMITED.....2ND RESPONDENT
APAK STEEL INDUSTRIES LIMITED.....3RD RESPONDENT
COMMISSIONER FOR LANDS.....4TH RESPONDENT
THE ATTORNEY GENERAL.....5TH RESPONDENT**

R U L I N G

Date of Last Order: 25.05.2023

Date of Ruling: 30.05.2023

T. N. MWENEGOHA, J.

This is an application for Injunction, made under **Order XXXVII Rule 1(a), 2(1), Section 68 and Section 95 of the Civil Procedure Code, Cap 33 R. E. 2019**. The applicant has prayed among others, an interim order, restraining the 3rd respondents and any other person working under their instructions, from trespassing and continuing with the illegal construction of Plot Number 1 and 2, Block X, Misugusugu Area, Kibaha Town Council, Coast Region, pending the hearing of the main suit, Land

Case No. 67 of 2023. This Application proceeded by way of written submissions. However, as I was composing this Ruling, I noted that the chamber summons was not accompanied by an affidavit as required in law. The Application has been attached by two Certificates of Urgency. Parties were ordered to address the Court on the competence of the Application and they complied.

Having gone through their arguments, this Court is of the settled opinion that, the Application is incompetent for not being accompanied with an affidavit. Therefore, without wasting this Court's time, I proceed to strike out the Application.

No order as to costs.




T. N. MWENEGOHA
JUDGE
30/05/2023