

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(LAND DIVISION)

AT DAR ES SALAAM

MISC. LAND APPLICATION NO 541 OF 2023

(Originating From Land Case No. 268 of 2023)

KIKIM CONTRACTORS CO. LTD APPLICANT

VERSUS

NCBA BANK1ST RESPONDENT

NUTMEG AUCTIONEERS & PROPERTY

MANAGERS CO. LTD.....2ND RESPONDENT

RULING

Date of Last Hearing: 18/09/2023

Date of Ruling: 18/09/2023

I. ARUFANI, J

The applicant filed in this court the instant application seeking for an order of temporary injunction to restrain the respondents, their successor in title, employees, agents, workmen and whoever person (s) purporting to act under the authority, instruction or otherwise from transfer of ownership and evicting the applicant's managing director from the suit house located on Plot No. 8 Block 'C' Msasani Area within Kinondoni Municipality in Dar es Salaam Region pending hearing and determination of the main suit

The application was made under order XXXVII Rule 2 (1) of the Civil Procedure Code Cap 33 R. E 2019 and it is supported by the affidavit sworn by Martin Edward Simba, Managing Director of the applicant and opposed by the counter affidavit sworn by Brigitha Mhumba, legal service officer of the first respondent.

However, when the application come for hearing today the counsel for the respondnts told the court that after discussing with his cliets they have decided to withdraw their intention of opposing the application and prayed the application be granted but with no order as to costs. The prayer by the counsel for the respondents was not opposed by the counsel for the applicant.

Hearing heard what was said to the court by the counsel for the parties and after seeing the application is uncontested the court has gone through the chamber summons and its sopporting affidavit and find there is no any justifiable reason which can make it to desist to grant the order the applicant is seeking from this court.

In the premises the application is granted and the order of temporary injunction sought in the chamber summons aganst the respondents is granted as prayerd save for the costs which the court is ordering each party to beer her own costs. It is so ordered.

Dated at Dar es Salaam this 18th day of September, 2023


I. Arufani
JUDGE
18/09/2023

Court: Ruling delivered today 18th day of September, 2023 in the presence of Mr. Frank Ntuta, advocate for the applicant and in the presence of Mr. Nimrod Msemwa, advocate for the respondents. Right of appeal to the court of appeal is fully explained.




I. Arufani
JUDGE
18/09/2023