

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

**LAND CASE NO. 27 OF 2023**

**MOYO MMOJA TRUST REGISTERED TRUSTEES.....PLAINTIFF**

**VERSUS**

**MAJALIWA BURUHANI NYENZI ..... 1<sup>ST</sup> DEFENDANT**

**RULIA MUHIDINI KIMARO ..... 2<sup>ND</sup> DEFENDANT**

**KOKUSIMA KASHOGAKI ..... 3<sup>RD</sup> DEFENDANT**

**FATUMA MOHAMED ABDALLAH ..... 4<sup>TH</sup> DEFENDANT**

**AMOS LAMECK BAKEYE ..... 5<sup>TH</sup> DEFENDANT**

**IDRISSA MUSSA BAKARI ..... 6<sup>TH</sup> DEFENDANT**

**BRENDA CHARLES MKONYI ..... 7<sup>TH</sup> DEFENDANT**

**ALIYA AHMED SHARIF ..... 8<sup>TH</sup> DEFENDANT**

**ELVIS EMMANUEL MAGANGA ..... 9<sup>TH</sup> DEFENDANT**

**RASHIDA ALLY SHARIFF ..... 10<sup>TH</sup> DEFENDANT**

**ROBER WENCESLAUS KIBWEKO ..... 11<sup>TH</sup> DEFENDANT**

**ELDWARA VUMILIA ALFRED ..... 12<sup>TH</sup> DEFENDANT**

**MURUA CLARA KIHORE ..... 13<sup>TH</sup> DEFENDANT**

**GRACE MKANDE MTUNGUJA ..... 14<sup>TH</sup> DEFENDANT**

**HUSSEIN ALLY KOMBE ..... 15<sup>TH</sup> DEFENDANT**

**MRISHO KINEGA MRISHO ..... 16<sup>TH</sup> DEFENDANT**

**COMMISSIONER FOR LANDS ..... 17<sup>TH</sup> DEFENDANT**

**THE HON. ATTORNEY GENERAL ..... 18<sup>TH</sup> DEFENDANT**

*Date of last order: 23/11/2023.*

*Date of Ruling: 05/12/2023.*

**RULING**

**I. ARUFANI, J.**

This ruling is in respect of the points of preliminary objections raised in the matter by the first, fourth and fifth defendants. The first and fifth defendants jointly raised the points of preliminary objections which reads as follows: -

- 1. That this suit is bad in law for non-joinder of necessary parties, to wit: Bagamoyo District Council and Registrar of Titles.*
- 2. That the suit is bad in Law for want of a Board Resolution from Moyo Mmoja Trust authorizing institution of the suit and empowering trustees to sign and verify pleadings.*
- 3. That the plaintiff lacks locus standi/legal personality to institute this case;*
- 4. That the amended plaint does not disclose any cause of action against the defendants.*

The fourth defendant raised in her written statement of defence one point of point of preliminary objection which is similar to the first point of preliminary objection raised by first and fifth defendants which states that, *the suit is bad in law for non-joinder of necessary party.* Although seventeenth and eighteenth defendants had raised a point of preliminary

objection in their written statement of defense that *the suit is incompetent and untenable for being instituted by a non-existing party* but the court was informed the mentioned defendants had abandoned the same.

When the matter came for hearing the above stated preliminary objections the plaintiff was represented by advocate Allen Mchaki who was assisted by advocate Mussa Daffa. While the first and fifth defendants were represented by advocate Joseph Asenga, the second and fourth defendants were represented by advocate Ahmad Said Khalifa, the eighth and ninth defendants were represented by advocate Bernadetha Chacha, the thirteenth defendant was represented by advocate Dominic Mkwera, the seventeenth and eighteenth defendants were represented by Mr. Charles Mtae, learned State Attorney and the matter proceeded ex parte against the rest of the defendants after being duly served and failed to appear in the court.

For expeditious disposal of the matter the court ordered the raised preliminary objections be argued by way of written submissions. The counsel for the first and fifth defendants stated in relation to the first point of preliminary objection that, Bagamoyo District Council is a necessary party to the suit for the reason that it is an allocating authority recognized by the Land Act and is the one authorized issuance of certificate of Titles to the first to fifteenth defendants. He stated the District Council is

empowered by section 35 of the Urban Planning Act, 2007 to issue building permits. He added that despite the fact that the Registrar of Titles signed all certificate of Titles issued to the defendants but he has not been joined in the suit as a necessary party.

He argued that, joinder of necessary party is aimed at avoiding multiplicity of suit. To bolster his argument, he cited in his submission Order 1 rule 5 of the Civil Procedure Code Cap 33 R.E 2019 and referred the court to the case of **Claude Roman Shikonyi V. Estomy A. Baraka and 4 Others**, Civil Revision No. 4 of 2012, CAT at DSM (unreported) where it was held that, non-joinder of necessary party in the suit was fatal inexactitude which was bound to breed injustice. He went on arguing that, failure to join Bagamoyo District Council and the Registrar of Titles in the present suit is fatal because both of them have right to be heard independently and for proper determination of the matter effectively once and for all.

He argued in relation to the second point of preliminary objection that, it is a trite law that in institution of a suit or counter claim by corporate bodies or trustees there must be a board resolution authorizing institution of the suit or counter claim in court and empowering its Directors or Trustees who are able to depose to the facts of the case to sign and verify the pleadings on behalf of the company or trust. He stated

the rationale behind is to restrain such company or trust to disown or deny decision which will be rendered in the suit.

He argued that, the instant suit shows it was instituted by the trust without a board resolution that the officers who instituted the suit in the court were empowered by the board of trustees of the plaintiff to do so. He submitted the requirement of board resolution before institution of a suit of a company or trust in court has been emphasized by the Court of Appeal in the case of **Simba Papers Converters Limited V. Packing and Stationery Manufacturers Limited & Another**, Civil Appeal No. 280 of 2017 where it was stated that, pleadings should reflect that there is a resolution authorizing filing of action in court. He prayed the court to strike out the matter for being incompetent in law for want of a board resolution.

As for the third point of preliminary objection the counsel for the first and fifth defendants stated that, it is trite law that under Trustees Incorporation Act, the powers to own property and to sue or be sued are vested to the board of Trustee or Registered Trustees duly incorporated under Section 6 (2) and 8 (1) of Trustees Incorporation Act. He argued that, after reading the plaintiff's pleading he has found there is no indication that Moyo Mmoja Trust is the trust dully registered under section 6 (2) of the Trustees Incorporation Act, to become a body

corporate and to include the word "Registered Trustee". To support this argument, he cited in his submission the case of **Itela Village Council V. Ansaar Muslim Youth Centre & Another**, Civil Appeal No. 317 of 2019, CAT at Iringa. (unreported) where it was stated that, a trust should sue by name of the registered trustees.

He went on arguing that, although the Plaintiff is Moyo Mmoja Trust Registered Trustees but there is not certificate of incorporation annexed in the plaint to prove the plaintiff is dully registered as required by the law. He submitted that the plaintiff has failed to prove it is a duly incorporated trust, thus the suit has been instituted by a wrong or non-existing plaintiff hence it is incompetent and ought to be strike out.

With regards to the fourth preliminary objection, he submitted the cause of action has been defined in the case of **John Mwombeki Byombalirwa V. AMI** (1983) TLR 1 where it was held the expression cause of action may be taken to mean essentially facts which it is necessary for the plaintiff to prove before he can succeed in the suit.

He argued the plaintiff ought to prove has right which has been infringed by defendants but the amended plaint filed in the suit does not show the plaintiff has ever owned the suit property. He further argued that, the plaintiff has failed to prove she has ever owned the disputed land thus she has no right that has been infringed by the defendants. He

submitted the plaintiff's action on land cannot stand and the only remedy is to strike out an incompetent land case which does not established cause of action. He finalized his submission by praying the court to dismiss the suit with costs for being incompetent.

The counsel for the fourth defendant argued on the point of preliminary objection raised by the fourth defendant that, the suit is bad in law for non-joinder of necessary party to wit Bagamoyo District Council. He submitted that, it is trite law that in litigation a necessary party is one against whom the relief is sought or without whom an effective decree cannot be passed by the court and those whom the law requires to be impleaded. He added that, Bagamoyo District Council is a necessary party whose presences is necessary in order to dispose of the suit completely and effectively but to his surprise the mentioned District Authority has not been joined in the instant suit.

He further argued that, it is a requirement of the law that in a suit for recovery of land buyer and seller must be joined. He argued that Bagamoyo District Council is the one allocated land in dispute to the fourth defendant hence Bagamoyo District Council is a necessary party without whom an effective decree cannot be passed by the court. To bolster his argument, he cited in his submission the case of **Suryakant D. Ramji V. Savings and Finance Limited & Others**, [2002] TLR 121. He

concluded his submission by praying the suit be struck out for non-joinder of Bagamoyo district Council as a necessary party.

In response to the above submissions, the counsel for the plaintiff submitted in respect of the first point of preliminary objection raised by the first, fourth and fifth defendants that, non-joinder of Bagamoyo District Court and the Registrar of Titles has nothing to do with the instant case as the land in dispute was allocated to the defendants by the Commissioner for Lands and not by Bagamoyo District Council hence the plaintiff was correct in not impleading Bagamoyo District Council and the Registrar of Titles in the suit as necessary parties.

He went on arguing that, determination of the stated preliminary objection will attract evidence in order to ascertain whether the suit property was allocated to the defendants by the Commissioner for Lands or by Bagamoyo District Council thus its contrary to the governing principle of what amount to preliminary objection laid in the case **Mukisa Biscuit Manufacturing Co. Ltd V. West End Distributors Ltd**, [1969] EA 696.

He argued that, in the event the court finds out a certain party ought to be joined in the suit, on its own motion may cause the stated party to be joined in the suit. He supported his submission with the case of **Claude Roman Shikonyi**, (supra) where it was stated the court has a separate



and independent duty from the parties to have a necessary party be added in a suit. He urged the court to consider what is provided under Order 1 rule 9 of the CPC which states that, misjoinder or non-joinder of party will not by itself defeat the suit. He submitted that, if the court will find it is necessary for the Bagamoyo District Council and the Registrar of Titles to be joined in the suit, the court be pleased to invoke Order 1 Rule 10 (2) of the CPC to order the said parties be joined in the suit.

He submitted in relation to the second point of preliminary objection that, the plaintiff is established by Trustee Incorporation Act and they have gone through the whole act but they have not found a single provision suggesting that a trustee has to obtain resolution of board of trustees before instituting a suit in court. He argued that, the case cited by the counsel for the first and fifth defendants to support his submission are distinguishable to the present case as it is a suit filed in the court by the trust while the cases cited by counsel for the first and fifth defendants deals with the cases filed in the court by companies.

As for the third point of preliminary objection he submitted that, the name of the plaintiff appearing in the plaint is as it appears in the certificate of incorporation. He stated the plaintiff has not baptized herself another name than the one appears in the certificate of incorporation. He added that it is not a legal requirement that certificate of incorporation

must be attached to the plaint when instituting a suit in court and failure to attach the same will render the suit competent.

He submitted that, to ascertain if the plaintiff exists or not this fact will need evidence which is contrary to the principle governing raise of preliminary objection. He added that, if it is necessary to file certificate of incorporation in the suit, the plaintiff has chance to file the same through list of additional documents to be relied upon before framing of issues to be conducted in the suit as provided under order XIII rule 1 of the CPC.

With regards to the fourth preliminary objection, he submitted that, a cause of action is defined to mean the facts which the plaintiff needs to prove before he can succeed in a suit. To support his proposition, he referred the court to the case of **John Mwombeki Byombalirwa** (supra). He went on arguing that, as from the above definition the plaintiff needs to prove some facts before he can succeed in the suit. He submitted that, as the stated proof will be done at the time of hearing of the case the current preliminary objection is prematurely raised.

He submitted further that, as the plaintiff is alleging to be the owner of the suit land and the defendants are disputing the stated assertion there are triable issues to be adjudicated by the court in the matter and that shows there is a cause of action in a matter. He finalized his

submission by praying the preliminary objections raised by the defendants be dismissed with cost.

After considering the rival submissions from both sides the court has found the issue to determine in this matter is whether the preliminary objections raised by the first, fourth and fifth defendants (hereinafter may jointly be referred as the defendants) deserve to be upheld. I will start with the first point of preliminary objection which states whether the instant suit is bad in law for non-joinder of necessary parties, to wit Bagamoyo District Council and the Registrar of Titles.

Since the submission by the counsel for the defendants maintain the suit is bad in law for non-joinder of the mentioned necessary parties in the matter, the court has found it is proper to start by having a look on who is a necessary party in a suit. Our courts have attempted in various cases to defined the term necessary party in a suit. Among the cases where a term necessary party was defined is the case of **Abdullatif Mohamed Hamisi V. Mehboob Yusuph Othman & another**, Civil Revision No. 6 of 2017, CAT at DSM (unreported) where the Court of Appeal stated as follows: -

*"...a necessary party is one in whose absence no effective decree or order can be passed. Thus, the determination as to who is a necessary party to a suit would vary from a case to case*

*depending upon the facts and circumstances of each particular case. Among the relevant factors for such determination include the particulars of the non-joined party, the nature of the relief claimed as well as whether or not, in the absence of the party, an executable decree may be passed."*

The Court of Appeal stated further in the case of **Farida Mbaraka and another V. Domina Kagaruki**, Civil Appeal No. 136 of 2006, CAT at DSM (unreported) as follows: -

*"....., a person may be added as a party to a suit (i) when he ought to have been joined as a plaintiff or defendant and is not joined; or (ii) when, without his presence, the question in the suit cannot be completely decided".*

In addition to the definition of who is a necessary party in a case and who may be added in a suit the court has found there three tests established in the case of **Abdullatif Mohamed Hamisi** (supra) required to be considered by the court when determining whether or not a particular person is a necessary party in a suit. The stated tests are as follows; (1) there has to be a right or relief against such a party in respect of the matters involved in a suit, (2) the court must not be in a position to pass an effective decree in the absence of such a part and (3) that, without his presence, the question in the suit cannot be completely and effectively decided.

While being guided by the above definition of who is a necessary party in a suit and the principles required to be taken into consideration while determine the issue of a necessary party in a suit the court has found the plaintiff in the suit at hand is claiming is the lawful owner of the land in dispute. The plaintiff is seeking for an order of declaration that the sale of the land in dispute by the sixteenth defendant to the first to fifteenth defendants is unlawful.

The plaintiff is also seeking for an order of being declared is the lawful owner of the land in dispute and the transfer of the land in dispute to the first to sixteenth defendants done by the seventeenth defendant be declared is illegal. In addition to that the plaintiff is also urging the court to order the seventeenth defendant to revoke the certificate of titles issued to the first to sixteenth defendants and be issued in favor of the plaintiff.

The court has found in rebutting the claims of the plaintiff the first and fifth defendants avers at paragraph 5 of their joint written statement of defence that, they purchased the land in dispute from the sixteenth defendant and the purchase of the land was confirmed by Bagamoyo District Council which recognized the sixteenth defendant as the lawful owner of the land sold to the mentioned defendants. On his side the fourth defendant avers at paragraph 4 (a) of her written statement of defence

that she was lawfully and legally allocated the land in dispute by Bagamoyo District Council.

It is stated by the mentioned defendants that, after acquiring their land they applied for and issued with certificate of title over their respective lands by the seventeenth defendant. They averred further in their written statement of defence that, after being issued with certificate of titles they applied for and issued with permits of building on the land in dispute by Bagamoyo District Council.

From the above stated facts of the case the court has found as rightly argued by the counsel for the defendants Bagamoyo District Council is a necessary party in the instant suit for the purpose of enabling the court to determine the issue in dispute between the parties effectively and completely. The court has come to the stated finding after seeing Bagamoyo District Council has been referred by the defendants in their written statement of defence to have been involved in the matter in allocation of the land in dispute to the fourth defendant and confirming the sixteenth defendant is the lawful owner of the land sold to the first to fifteenth defendants.

The court has also come to the above stated finding after seeing that, as rightly argued by the counsel for the defendants, Bagamoyo District Council is a necessary party to the suit because it is an allocating

authority recognized by the Land Act and is the one authorized issuance of certificate of titles to the first to fifteenth defendants. It is submitted further that, under section 35 of the Urban Planning Act, 2007 the District Council is charged with authority of issuance of building permits while the Registrar of Titles has signed all the certificates of titles issued to the first to fifteenth defendants and is maintaining the register where the lands in dispute are registered.

That being the position of the matter the court has found joinder of Bagamoyo District Council and the Registrar of Titles to the instant suit was necessary for the purpose of giving them right of being heard on what is alleged they did in relation to the lands in dispute between the parties. They are also necessary parties in the suit for the purpose of enabling the court to determine effectively and completely the issues in controversy between the parties and to enable a smooth execution of the decree if it will be issued in favor of the plaintiff.

The court has considered the submission by the counsel for the plaintiff that Bagamoyo District Council is not a necessary party in the suit and has nothing to do with the dispute between the parties but find that, as demonstrated hereinabove the mentioned department of the Government is a necessary party to the suit. The court is in agreement with the counsel for the plaintiff that, the position of the law as provided

under Order 1 Rule 9 of the CPC is very clear that a suit shall not be defeated by reason of the misjoinder or non-joinder of parties.

However, as stated by the Court of Appeal in the case of **Abdullatif Mohamed Hamisi** and **Ilala Municipal Council V. Sylvester J. Mwambije**, Civil Appeal No. 155 of 2015 there are exception to the position of the law provided under Order 1 Rule 9 of the CPC. The Court of Appeal stated in the case of **Abdullatif Mohamed Hamisi** (supra) that, despite the fact that Order 1 Rule 9 of the CPC is couched in mandatory language but there is exception to the general rule that, presence of a necessary party in a suit is imperative to enable the courts to adjudicate and pass effective and complete decree.

As it has already been found the mentioned parties are necessary in the matter, the court has considered the prayers made to the court by the counsel for the defendants and find that, as provided under Order I Rule 10 (2) of the CPC and as stated in the case of **Claude Roman Shikonyi** (supra) the court is empowered to order the stated necessary parties to be joined in the suit as necessary parties. The court has found that, as the case is at the stage of filing pleadings in the court, then as stated in the case of **Mussa Chande Jape V. Moza Mohamed Salimu**, Civil Appeal No. 141 of 2018. CAT at Zanzibar (unreported) the court can



rely on the above cited provision of the law to order the mentioned necessary parties to be added in the matter.

The court has been of the view that, although Bagamoyo District Council has not been served with the notice provided under section 6 (2) of the Government Proceedings Act, Cap 6 R.E 2019 but still the court has power conferred to it by Order 1 Rule 10 (2) of the CPC to order the mentioned party to be joined in the suit as a necessary party. As for the Registrar of Title the court has found there is no problem in adding him in the suit because he was served with the required statutory notice of intention to sue him on 20<sup>th</sup> September, 2022.

In the premises the court has found that, although the first point of preliminary objection is meritorious but it cannot dispose of the suit as the irregularity raised in the said point of preliminary objection is curable by way of ordering the parties who are necessary in the matter and who were not joined in the matter be joined in the suit through the above cited provision of the law.

Coming to the second point of preliminary objection which states the suit is bad in Law for want of a Board Resolution authorizing the trustee to institute the suit in the court and empowering the officers instituted the suit in the court to sign and verify pleadings the court has found that, as rightly argued by the counsel for the plaintiff the counsel

for the first and fifth defendant has not cited any law establishing the requirement of the stated resolution to be pleaded or annexed in the plaint to enable a trustee to institute a suit in the court. The court has found the submission by the counsel for the mentioned defendants and even the case of **Simba Papers Converters Limited** (supra) cited in the submission of the counsel for the first and fifth defendants to support his submission were in respect of companies and not a trust as a body corporate.

The court has found unlike in the Companies Act, Cap 212, R.E 2002 where section 147 (1) requires anything to be done by the company to be authorized by a written resolution from the annual general meeting of a company or class of members of the company which to my view means the board of Directors of a company, there is no such a requirement provided under the Trustee's Incorporation Act. What is provided under the Trustees' Incorporation Act is that, after the trustee being registered under section 5 of the mentioned law, the entity has power under section 8 (1) (b) of the mentioned law to sue or be sued in the corporate name.

Since the suit at hand was filed in the court by the plaintiff in its corporate name and it has been signed by two trustees and it has not been said the board of trustees of the stated entity has more trustees than those signed the plaint, the court has failed to see anything which

can move it to find the plaintiff's suit is barred in law for want of resolution of the board of the trustees of the plaintiff. The court has been of the view that, if for the sake of argument, it will be said there are more trustees than those signed the plaint and they have not authorized the suit to be filed in the court by their entity, that will be an issue which will need evidence to substantiate the same.

If it will need evidence to determine the same, then as held in the famous case of **Mukisa Biscuits Manufacturing Company Limited** (supra) it cannot qualify to be determined as a point of preliminary objection. The position of the law stated in the above case has been followed by our court in various case and emphasized that, in determine preliminary objection the court has to look on the parties' pleadings only and not otherwise. The stated position of the law can be seeing in the case of **Ali Shabani and 48 Others V. Tanzania National Roads Agency & Another**, Civil Appeal No. 261 of 2020 (Unreported) where it was held;

*"At any rate, we hold the view that no preliminary objection will be taken from abstract without references to some facts plain on the pleadings which must be looked at without reference examination of any other evidence".*

In the light of what has been stated hereinabove the court has failed to see any merit in the second point of preliminary objection raised by the first and fifth defendants.

As for the third point of preliminary objection which states the plaintiff lacks locus standi or legal personality to institute the present suit in the court, the court has found the submission by the counsel for the first and fifth defendants was centered on the argument of incorporation of the plaintiff and power to sue or be sued as provided under sections 6 (2) and 8 (1) of the Trustees' Incorporation Act. The court has found the plaintiff states at paragraph 1 of the amended plaint that the plaintiff is a legal entity and a trustee registered in accordance of the law of the United Republic of Tanzania.

The court has found the issue as to whether the name of the plaintiff is the one registered in the register of the certificate of incorporation and it is in accordance with the requirements of the provisions of the law cited hereinabove is an issue which need evidence to determine the same. The court has found it is true as argued by the counsel for the first and fifth defendants that there is no certificate of incorporation of the plaintiff annexed to the amended plaint which would have been used to determine the name used by the plaintiff in the suit at hand is different from the one used to register the plaintiff.

However, the court has found as rightly argued by the counsel for the plaintiff it has not been stated failure to annex the stated certificate of incorporation to the amended plaint is an omission or irregularity which can make the case incurably defective. The court has found as submitted by the counsel for the plaintiff if there is a need of bringing the stated certificate of incorporation to the court, the plaintiff has chance under Order XIII Rule 1 of the CPC to bring the same to the court as an additional document to be relied upon in the case.

That being the position of the matter the court has found the stated point of preliminary objection cannot be determined as a point of preliminary objection because it will need evidence out of the facts pleaded in the amended plaint to determine the same. As stated in the preceding point of preliminary objection if there is a need of evidence out of facts pleaded in the pleadings to determine the raised point of preliminary objection then as stated in the cases of **Mukisa Biscuits Manufacturing Company Limited** (supra) and **Ali Shabani and 48 Others** (supra) the stated preliminary objection lacks qualification of being determined as a preliminary objection. In the premises the court has found the third point of preliminary objection is devoid of merit.

Coming to the last point of preliminary objection the court has found it states the amended plaint does not disclose any cause of action against

the defendants. The court has found as stated in the case of **John Mwombeki Byombalirwa** (supra) the term cause of action is defined to mean essentially facts which are necessary for the plaintiff to prove before he can succeed in a suit. That being the meaning of the term cause of action, the court has failed to understand why the counsel for the first and fifth defendants is arguing the plaintiff has no cause of action against the defendants.

The court has come to the stated finding after seeing the plaintiff is claiming is the lawful owner of the land in dispute and all the defendants are disputing the stated claims of the plaintiff. If one of the claims of the plaintiff is clear that is claiming for ownership of the land in dispute, and the defendants are disputing the same, it is to my view crystal clear that there are allegations of facts which the plaintiff is required to prove to succeed in the suit. If there are allegations of facts which the plaintiff is required to prove to succeed in the suit, the court has failed to see how it can be said the plaintiff has no cause of action against the defendants.

In the light of what have stated hereinabove the court has found with exception of the first point of preliminary objection which has been found is meritorious that there is non-joinder of necessary parties in the present suit, the rest of the points of preliminary objections are devoid of merit. Consequently, the second, third and fourth points of preliminary

objections raised by the first and fifth defendants are hereby overruled for being devoid of merit but the first point of preliminary objection raised by the first, fourth and fifth defendants is upheld. After upholding the first point of preliminary objection the court is ordering Bagamoyo District Council and the Registrar of Titles be joined in the suit as necessary parties and each party to bear his own costs.

Dated at Dar es Salaam this 05<sup>th</sup> day of December, 2023.



  
I. Arufani  
**JUDGE**  
05/12/2023

**Court:**

Ruling delivered today 05<sup>th</sup> day of December, 2023 in the presence of Mr. Allen D. Mchaki, learned advocate representing the plaintiff and also holding brief for Mr. Ahmed Said Khalifa, learned advocate for the second and fourth defendants. It has also been delivered in the presence of Mr. Honest Kulaya, learned advocate for the eighth and tenth defendants and the rest of the defendants are absent. Right of appeal to the Court of Appeal is fully explained.



  
I. Arufani  
**JUDGE**  
05/12/2023