

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

**MISC. LAND CASE APPLICATION NO.1090 OF 2024**  
(Originating from Land Case No.977 of 2024)

**VERAELI ELIYA KOMBE.....APPLICANT**

**VERSUS**

**SUMA JKT AUCTION MART COMPANY.....1<sup>ST</sup> RESPONDENT**  
**AKIBA COMMERCIAL BANK PLC.....2<sup>ND</sup> RESPONDENT**  
**OSCAR JOSSEY MUNISI.....3<sup>RD</sup> RESPONDENT**  
**HAPPINES JOHN LEOLE.....4<sup>TH</sup> RESPONDENT**  
**INNOCENT JEREMIAH.....5<sup>TH</sup> RESPONDENT**

**R U L I N G**

*Date of Last Order: 07.02.2024*  
*Date of Ruling: 19.02.2024*

**T. N. MWENEGOHA, J.**

In this Application, the applicant sought for an Injunction Order, under **Order XXXVII Rule 1(a), 2(1), 4**, read together with **Section 95 of the Civil Procedure Code, Cap 33 R. E. 2019**. He prayed among others, for an order, restraining the 1<sup>st</sup> and 2<sup>nd</sup> respondents and any other person working under their instructions, from evicting the applicant from a property, located at Mwananyamala, Kinondoni Municipality, with Residential License No. KND 011648, pending the determination of Land Case No. 977 of 2024. The Application was supported by the affidavit of the applicant, Veraeli Eliya Kombe. The 1<sup>st</sup> and 5<sup>th</sup> respondent supported

the Application while the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents did not appear, hence the case proceeded Ex-parte against them.

Further, on the 7<sup>th</sup> February 2024, when the case was called for mention, the Court ordered the applicant to file his Written Submissions in support of the Application and the same were to reach this Court on the 13<sup>th</sup> February 2024. Unfortunately, the applicant did not file the submissions in Court as Ordered, instead the same were filed on the 14<sup>th</sup> February 2024. That is to say, the submissions were filed out of the prescribed schedule, hence they cannot be used in the instant Application. And without the said submissions, this case is left unattended. In other words, the applicant has failed to prosecute his Application, see **Harold Maleko vs. Harry Mwasanjala, DC Civil Appeal No. 16 of 2000, High Court of Tanzania at Mbeya, (unreported)** and **P3525 LT Idahya Maganga Gregory v. The Judge Advocate General, Court Martial Criminal Appeal No. 2 of 2002, Court of Appeal of Tanzania (unreported)**.

Therefore, based on the aforegiven reasons, I dismiss the Application for want of prosecution. No order as to costs.

It is so ordered.



  
**T. N. MWENEGOHA**

**JUDGE**

**19/02/2024**