

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(ARUSHA DISTRICT REGISTRY)**

**AT ARUSHA**

**MISC. CIVIL APPLICATION NO. 80 OF 2018**

*(Arising from Civil Case No. 09 of 2018)*

**G.S. HOLDING (T) LTD.....1<sup>ST</sup> APPLICANT**

**AMINIEL SENYAEL AYO.....2<sup>ND</sup> APPLICANT**

**VERSUS**

**ECOBANK TRUST TANZANIA LIMITED .....RESPONDENT**

**RULING**

**I. MAIGE, J**

The applicants have filed this application for temporary injunction to restrain the respondent from disposing of what they call "the suit property". Apparent from the pending suit in **Civil Case No. 9 of 2018** is the fact that the property the applicant is seeking to protect by way of temporary injunction is not the subject of the suit. The claim by the applicants in the respective suit is limited to damages. The so called "suit property" therefore is not a suit property within in meaning of order 37 rule (1) of the Civil Procedure Code ("the CPC").

Advocate Lyimo who appeared for the applicants on the date of hearing was given an opportunity to address the Court on this issue. He conceded that the application is untenable.

I entirely agree with him that in so far as it seeks to restrain disposal of a property which is not the subject of the dispute, the application is extraneous the suit and it can thus not fall within the purview of temporary injunction. Accordingly therefore, the application is hereby dismissed without an order as to costs for being misplaced.

It is so ordered

(Sgd) **I.MAIGE**

**JUDGE**

**19/09/2018**

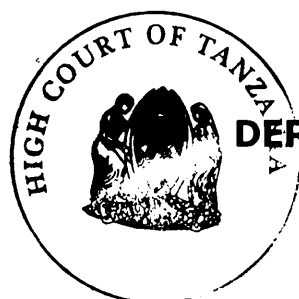
Ruling delivered this 19<sup>th</sup> day of September 2018 in the presence of Mr. Lyimo, learned advocate for the applicants and in the absence of the respondent.

(Sgd) **I.MAIGE**

**JUDGE**

**19/09/2018**

I hereby certify this to be a true copy of the original.



*J.F. Nkwabi*  
J.F. NKWABI,

**DEPUTY REGISTRAR**

**ARUSHA**

*28/09/2018*