

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF ARUSHA

AT ARUSHA

MISC. LAND APPLICATION NO. 130 OF 2022

(C/F Land Case No.55 of 2022)

JUSTO ZABLON KIMARO.....APPLICANT

VERSUS

CRDB BANK PLC.....1ST DEFENDANT

CITYLAND COMPANY LTD.....2ND DEFENDANT

RULING

28/09/2022 & 28/09/2022

GWAE, J

This is an application for temporary injunction filed by the applicant herein seeking for the following orders;

A. EX – PARTE

1. An order by this court dispensing with the mandatory requirement of giving notice of this application to the respondents pending hearing of the present suit property inter-parties.

2. That, this court be pleased to grant an ex parte order of temporary injunction to restrain the respondent's agents, servants, workmen or any other person of whatever description from entering the landed property constituted in Certificate of Title Number 40517, Land Office Number 312028, Plot Number 527, Block 'B' Njiro in Arusha City Council and conduct any business therein pending the hearing and determination of this application inter – parties.

B. INTER – PARTIES

1. That this Honourable Court be pleased to grant an order of temporary injunction to restrain the respondents, their agents, servants, workmen or any other person of whatever description from entering the security and conduct any business therein pending hearing and determination of the main land case.
2. Any other relief(s) this honourable court may deem fit.

The application was preferred by the provisions of Order XXXVII Rules 1 (a) and (b) Rule 2 (1) and 4 of the Civil Procedure Code Cap 33 R.E 2019 and section 51 (1) (b) of the Land Disputes Courts Act (Cap 216


Revised Edition, 2019). The application was further supported by the affidavit of the applicant, the respondents on the other hand did not file their counter affidavit.

At the hearing of this application the applicant was represented by the learned counsel Mr. **Gospel Sanava**, the respondents were represented by **Mr. Mbando**, the learned counsel who did not object the grant of this application.

It should be recollected that this court on 13/09/2022 issued an order ex-parte maintaining status quo and as the respondent has not objected the grant of this application, for the interest of justice this application is found grantable. An order for temporary injunction is hereby issued to restrain the respondents, their agents, servants, workmen or any other person of whatever description from entering the suit land pending the hearing and determination of the applicant's main suit. Costs of this application shall abide to the outcome of the main case registered as Land Case No. 55 of 2022.

It is so ordered.




M. R. GWAE
JUDGE
28/09/2022