

IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)
AT DAR ES SALAAM.
MISC. CIVIL CAUSE NO. 65/94

1. NURBAN AMIRALI JAFFER & ANOTHER

VERSUS

1. A.AHMED JAFFER LTD

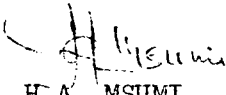
2. TANZANIA FISHNETS INDUSTRIES LTD.

RULING

MSUMI, J.

The second respondent which is limited Company and the first respondent who is one of the shareholders in the second respondent Company are applying for order for security for costs. The two grounds upon which the application is based are that the two petitioners are residing out of Tanzania and secondly that none of them has any substantial property in Tanzania.

By itself the first ground is not all that important. The fact that a party resides outside the jurisdiction of the court does render execution for order for costs impossible if that party has substantial property within the jurisdiction of the court. As regards the second ground it is conceded in the replies of both respondents that the petitioners are shareholders of the first respondent Company. And it appears that at least as far back as 1982 both petitioners have not been paid their dividends. Since none of the respondents has pleaded that the Company was running at a loss for all these years, it is reasonable to assume that both petitioners have substantial property in the said Company. For this reason the application for security for costs cannot be sustained. It is dismissed with costs.


H.A. MSUMI

JUDGE

29/5/97.

For the respondent : Maira

For the Petitioners : Present in Person.