

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

LAND CASE NO.199 OF 2019

LATIFA HASSAN ALIBHAI.....PLAINTIFF

Versus

JAYENDRA J AMRCHAND.....1st DEFENDANT

RAKHEE JAYANDRA

JAGJIWAN.....2nd DEFENDANT

*Last Order: 10th March 2021
Date of Ruling: 30th April 2021*

RULING

NANGELA, J.:

The Plaintiff is suing the Defendants seeking for judgement, decree and orders of this Court as follows:

1. Declaration that house (Flat) on right wing of Plot No.5 Block 35, House No.1 is a legal property of the Plaintiff as per the Share Agreement certificate issued by Suchak Flats Limited.
2. That, the Defendants collectively to pay damages of TZS 100,000,000 or as the Court deem fit to the Plaintiff

- for mental and physical torture caused.
3. Defendants be ordered to remove their swing and all other things kept in the corridor of the house (Flat) to allow free movement of Plaintiff in and out of her Flat/house easily.
 4. Defendants be restrained from interfering with the Plaintiff's peaceful enjoyment of Flat/House No.1.
 5. Costs of this suit.
 6. Any other relief this Honourable Court may deem just to grant.

The hearing of this case commenced and the Plaintiff case progressed to the end paving way for the Defendants' case to open. However, on 10th March 2021, when the defence case opened, the learned counsel for the Defendants, Ms Lema, sought to be admitted into evidence a certificate of title, **CT. Number 31498** (referred hereafter as **the "CT"**) which was tendered by **DW-1** (the 2nd Defendant).

Mr Gulam Hossan, learned Advocate for the Plaintiff, objected to the production, tendering and admissibility of the said document as an exhibit in this case. **DW-1** had tendered the **"CT"** with a view to prove that she is a

