

TANZANIA / JUDGMENT

20100108 TZHC Dar es Salaam

COURT
TZHCDECIDED
8 January 2010

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- RULING .. 'j i i i I I I' . l : l I I I I . : j .. , • : - i . ~ :) ' ' I ; ! ' I . ~ / 1 / , P / Z) : . . applicant filed the present applicatio for stay; but on 17 / 11 / 2009 ; , .. the Registrar Issued'. an otder fo "brocla~ation for sale/I: yet ·on:: . . ; _ · · · I I · ; - · : : 15 / 12 / 2009 , , the · Registrar issued an order worded. as Jollows , ' ! - _ . . : , ... I I . . ~ - ' .. : f : i i ; r - ; > ; i l • 1 hearing on 15 / 2 / 2010 , status quo be maintained till then. I . : i ? , · { f ~ i r i - : . \ · : . 11 ' _ q · · ' . : . . . ; - - 1 . • , _ , · · - · · · .
- 2. It is n.ot clear to me what s~atus quo Jas ordered to be niaintained; it; · · · · I I · : : : was only following complaints by the r~spondents regarding the-stalled; , 1 : ~ : c : l ~ ; ~ : h : h : / : ~ ; J : s ~ ; i : n : ~ : i : ~ e q ~ : ~ ; J : : P l 1 ~ i · . 5 ' . ' ..the pr~sent _applic.ition ~led on 4io,1012009 subjeF·"lai~[; ~f ; j ' ; l . 1 · : : - this ruling .. It ls to be noted ,that the application sought to,be stayed ls. 1 · l - . ~ , the Registra~ order ot 13 / 10 / koog ~!though long· after the { < ~ : i : i a . licant · . filetd the' 1 : · · - : - : , · • , · I rekent I a lication : 1 , on . 20 10 2609 · · . i . ~ Qnt ' . 17 11 2009 L the Re isfrar issued a i reclamation for sale- almost ari _ , end ~roC : ss in eo<ecution. 1J is not clelr agaih what proinpsted th~ l~s ' " < j , ; 1 orde~ of. 15 / 12 / 2009 , su'bject ~f cdmplain~ by the respond~.n~ ; · 0 : ' ' ... ' , ; . whether the p~oclamation fdr s , ie was ·stayed by that la~t - ; rd~f) Jfi , ; ~ / i ~ } : < _ · i I · ---- . / : J · · What is clear from the \above ij that the decree remains unexecuted but three issus h~ve exerdised my mind. the first ; is . : . . wlietrlr the Cli i r~nt~p [l 1 ! r ; J ' : i 0 n l rned onlo11012009to s ; ~ a~idlt~J : · · \ j ; i .. i . R' e9istrar's ol"der inade on ; 13 / 1 \$ 12009 . v~rLs nor overtakeri bY: et1n~. I . ' ' . . . ; , . ' . I I ' · · · C ' . . ; , ; i l , : . ; ; ~ ~ ! : n : ~ : ~ : ~ h i ; ~ ~ : ~ : ~ r ~ : ~ a ; J ; : : r , ; ; , : ~ : h : ~ : h : r ;) , · · · · , , order in execution- that ls whether the order made -by the Reglstra - · : :) ' T : : i : . , . . i l . . I ; ' ; ; , . . . ; : . ' . on 15 / 12 / 2009 ordedng the status quo : aintained, which amolihh / : .. , . : ~ r ; to ani order for stay tan be revi4wed by_ his court. And last, j~hith~l - : . · · : if , ; . . I _ , ui~r , , , ~ i ' - c : . _ · tt · , - , , , } " J
- ~ , ' : ' l , - , rv~x~ , ; ~ : ~ f ; . < . t f ; , : - J : ~ . , i . . ' ' . ' ' ' , J , ; ~ ! . I I 3 . I : 4 I I I . i I · : : . . . ' ct } , ; ' 1 Lo 1 <) I , : · . and 95 _ of the CPC read togeth7r with rtile j and (1) (2) of : h.e .. · Lab, ollr c6 ; u~ r.ule~ ; I fihd tha, t th_i , court har in. h~re~t powers td the matter m the interest of Justice. · . I · · · a~ : r~ : , . : . . : ; · . ; 1 · ; Thafd6~e I fi~diit necessai, to givJ. a bri~f back9t60nd'iofihe. : ' 1 1 history oi'~h~i disp ~tJ between ~\ : he partibs p ; / ortcrthe impugned~. I · : . , - i , ~ . I . Registrar's · order for : a better a preciation~ of ! the reasons for: my decision, even at the risk of mak\ng this !uling ; unduly Ion~ ; I find it i conve8ie~t to give the same chrohologically in point form a~ folfo~s : - j , l , . . . : i . . i · · · ; · · · I ~ , : : j , . . . if " : . f , ' " I - ' .. • ' .

'; 1; J (: : : : : : : : ' I r - - - .. i' . ~ . > (\ · i : : I · ~ ~ - ' ~ " ' , : f' " 1 t : I i . 1 1. The respondents . referred a dispute ' to . the CM-6! of unfair ' 1 · : ! tefmina~ibn I again.st t~e applic nt_o~ 11;12;2007 claiming 1 .; . ' Ji 'compensation' of ail a~dunt equal_ to 12~.~0nth.s ?a! Qry and Other. . : . . : I : . . , . . , .. : . : statutory rights. On 2015!2008, the CMA issued an exparte award under section 87 (3) of t~e Act. I , I . . } . t : 1 .. : "i; , .. ! : . . . ' . : l · il - ---- : : ; 2.. ~Sl;lbsequently, the respondents m ,de an ,application for executioril : · 111 · , , 1 . of : th.atcl~c~ee dated 10}6/2006 rJgiste~e6 as N·o, '170/2008. That, ; , , . ~ : ~ ; , ~ ~ ~ ~ ~ : d~y ~ ~ . : Pt~a~c~j~li~tt~p~ : i : : t~ ~ dc ~ ~ : , , . t ~ ~ i ~ ~ ; ~ ~ ; ~ n. it = ~ ~ : d ; ~ ~ d! - ~ ~ ~ Re~i : ~ ~ ; / ~ ~ ; ~ ~ 6 . ; , , , ... , 1 . should point out that at least at th~ stage!, the employ~r was aware: : . : . ~ ' ' . ; , . . !l~ . Qt~i~i~n~ce of th~ case P~t~ferred Jy~iti_eI.l~ilQy_e,es) ' i i ' . (: : : , , j ! : : : _ . · ti : : : t . : : : : : ~ : rx; ' · · i . I' · · · · l' · : : : I ; ' I J ; , , , ~ . ~ 1 : 3 ... Affe ai; ~ ~ ~ ber'of proc~sses, the .. : R ~ a~ e.an orderon~2s/8/200~ . ! ; 1 , I L

- a. The court expressed its dismay and disbelief regarding the issue of appearance of two CMA awards from same proceeding. . . . I II E . ' : . i , , , l , ~ , ~ , ~ ~ ~ ~ ~ b "" * ; " : t , o / - : . ' ! : . ,) f ' : l l . . 8 . " Th ~ c M A ' the h heard the applic~tio W ~ for/ condonation' of i'aterefrrr~ , r . ' . . 1 . . ; . . \ k , ~ ti ~ ; f J ~ ~ ~ ; > i , , , < ' ; , . (~ ~ ~ . " . r - f . - " t : 1 : . _ ' . 1 ~ / 7 / ~ 009 . _ Th ~ ~ ~ d ~ ~ [r . ~ } ~ : J . . J - J : J) .. I I i . . ; , , e p a e a n d . granted t ~ e same oh l I I 1 \ i ~ . . : ' . dispute wa ~ arbitrated aigain expa ~ i e' and. an award \"SbJe ~ ~ fu ~ tt ~ ~ ~ ; - ' . ~ . : . : ! < I i . ; ; ; ; 1 : . . ti ~ t i ~ ~ ~ ppli ~ ~ nt's key ~ omplaint issued ~ on ~ 1 s j 9 J . 10 : o ~ ~ { , ~ 5 . ~ \$ ~ , , , ; ; , .) : ~ t \)
- c. The court expressed its dismay and disbelief regarding the issue of appearance of two CMA awards from same proceeding. . . . I II E . ' : . i , , , l , ~ , ~ , ~ ~ ~ ~ ~ b "" * ; " : t , o / - : . ' ! : . ,) f ' : l l . . 8 . " Th ~ c M A ' the h heard the applic~tio W ~ for/ condonation' of i'aterefrrr~ , r . ' . . 1 . . ; . . \ k , ~ ti ~ ; f J ~ ~ ~ ; > i , , , < ' ; , . (~ ~ ~ . " . r - f . - " t : 1 : . _ ' . 1 ~ / 7 / ~ 009 . _ Th ~ ~ ~ d ~ ~ [r . ~ } ~ : J . . J - J : J) .. I I i . . ; , , e p a e a n d . granted t ~ e same oh l I I 1 \ i ~ . . : ' . dispute wa ~ arbitrated aigain expa ~ i e' and. an award \"SbJe ~ ~ fu ~ tt ~ ~ ~ ; - ' . ~ . : . : ! < I i . ; ; ; ; 1 : . . ti ~ t i ~ ~ ~ ppli ~ ~ nt's key ~ omplaint issued ~ on ~ 1 s j 9 J . 10 : o ~ ~ { , ~ 5 . ~ \$ ~ , , , ; ; , .) : ~ t \)

- 1J : .", :.,; I . :. :i\ . ' . : execution ap" plication ·No 418/20 .9 was filed in ' . l t~il ~:J~.. .f~;"
5/10/2009. as: ~xplai~ed. herer _r have read th,e a~~r1ti7, : ' \ . question, the arbitrator
therein explained that both the. appllcatlo~'. . . . ; ·r: for :tt,~donk'tion. and thJ, arbitratio~g
werel c'onducted \J~Sak~;;t~N~~~<LH:r ;~;~rt ·' . . I · · · . . t".°t;~·· ·,l,ijjt111~.:~;
~1·t1r~· ·,r;j;i;~·]·.,,,,;~··;·, #i'1 \$q);!J:·,·, I;·;·'·, . . i, . . I . . : 'tr ~I, . /f ;f 1\ 1~ !·' , . . , 7
'~· ... ···· . ··~,, ' , ·· _;,,, I · · , _~ to appear. I ' . I ' I ' ' . applicJ::u:::~,
e:e:u~i::sp:fterh:a:Aalr:~::: resPond~llts ~ant it executed. hr Msem ·afofl .the 'ap~n!
~n{ :;~c:::~: ~: ' ; ~tie:: . :', 1 .r: , " i ' · i · · ' ' ' I ' ~ . i , gr~unds, for the application in his!
~ffidavit and oral submission:. They , ' r . · , ' . 1 I : I ' I ' ! t, ' I . . ~ - · , . I . can be summed up
thus:-
- The applicant has filed a twin application in· the CMA; . : I I : ' I :~xtension of time tf. c3p:ly
Jto S!\fa.f'.~·./~·,J~parte, r: .I, ~:~:~:r: :~e ~:~:~: ~J::t : ~~~nt:~~~~~te 'lj 0 applicant was not
se~ed to apbear. · ' 0 1 1 (f · ' I I .
- In response to the respondent's averment in tHe· affidavit, · · · , that the applicant Jas serv4d
vicie his adv~cate!.oni 1 i i ' . . , ~uta hiwha, he subritted tH~~ the; latte,r;l, 1~ i:~t~
instructed to represe~t the ap !leant, as such; ·service on ' ' ' .. I l : him amounted to no
service.
- I . I j . " ' : "" ; ' ! " ---~; ; ; ; (, d, v: ·: ~~~... ~· f· \ . o < . t - l ; ; ; ; , h, - rh - 1 u " PPl ; , , , , , , j ; , , c ~ r - s pe "
nu.....: , r: , r: r: , , ' .
- ~· : · · · ' · · · ' · · ' 7° "" "" ~· . . ---, - · · - 1 · · · · · \ , , · ; ; ; J · · · ' · ' . \ ' ' ' . ~ . f . · · the CMA would be
rendered n gatory, on the o.ther hand, · - ; . . ' : ' , · ' l , I \ i: · · ' , 1, ~ , , , ' ' ~ ~
the.applicant's , , , . busin~ss.is soliql and jt)s;c;l. p9.pl~. < ? ~ d ? ~ Y. in. , · _ g _ Li. , : , , , ; i , I ,
[r · 1 . t , · · t, /J: · · t ~ t, , f J l ~ It i l ~ L , , ' ; · · - t' i l i i ' I f' . ' the decree holders t- but rni(y aft~r ' ° the :
~s~ ~ 1 ~ r ~ t ~ r i ~ ~ ! · b ~ : 1 ~ ! : ~ ~ 1 1 1 inter-partes and theiri entitlem lnts p~oved. . I · , · . . i , ,
~; ~ : l · I I I I
- ' I I . I +, In response, Mr. Malomi for the respondents submitted that:- I
- I I . i j ~ · · ~ , 1 , 1 · , · , . 8 i j ivq, p - c (% . - : ; ~ · · The facts disclos:ed in the a~plicant'sia1! ' ivit: and
submis?o.r?Tn:r: , , , , , court lack merit as no J suffice~t callse to suip6\ - t, the [_ _ ! ? .
application for stay have b~en discldsd. : : / · ; _; : : · · · + n regard to the exparte lward,
c~unsel ·submitted tha~,- the I _ . . ; . ; . I ' : ; . \ 1 ppllca~nt was duly ·served .accordin~ to
law. Service :was madet . · I . i , · 1 - : / . t. : : . - · · , i I · · ' - / . : : : : : : _ / " - : l . 1 ~ ~ + : : : ! .
\ : . , 1 ' . } : · · ; vide .the advocate. who reP,resented lthe· applicant m the tase:
at , . . ! . : ' l > / " thk 12 ~ : ~ a.nd sL6sJquent ~pp.licatidn f6f r~vrsion idsi alridf23~. f.: ; 1 ' : · ·
(exp.lained herein :~bove). . , . : II That eJhically I and as· a mltt~ / ~ d ; . - : - I , '
1 , procedure, if the· advocate had I ceased to. represent. th . . ! applicant, either
himself cir the apJlicanti sho_uld have inforrie~ , the respondents and the JMA but d~id
not. - · " · , , , { · · · , I , ' ii : : < Ji · , 1 · · 1 , i · ! . ~ ~ · i ' . l ; ; I I . . i i , · I ' - ~ , · · . J . , , . In repiy,
the applicant silibmitted 1 that" i servi~e td ·a: for~t · · · I ; I · , _ I advocate is no proper
servige, that Mr.- Rutahihwa !was neve1r: - · · . . i ~strLcted by the applicant to handle tt e cas~

in the c~A fol!OJrnb · ;. . . . I . . I .this cou;t's order of 30/4/2009 - (from the. facts the fourth .tim~ . i. I I I ' ' :!~r~u,~?{:~11 :. ,).i; . . . / : ' . i . !., , · . ;, · . f . f . i . : · I I , 1 · , _ . ; / : s : ~ . : . ; . i . . i . . ; . , ; ' ' . . .

- . ' . . . ;) . : ' ' " " A " ttissu2 ior_ decit10:n 'is oni na meiy 'vvffeti~'e1; . of\10t gbod · te,a~d; . ~: . have been~ adduced' t~ ~kel this COLilrt e)e~cise. I~ distr~tibklm:. I . ' . / : Jav()ur of. granting the app+ for orf er. TO~ begi~,Jtl9.l}j[]J~ · - _ . _ j sub,missrons "made by counsel ifor the respondents thaf~h aj:>'p~nbnr. : . . : _ti) , , , . I ! '1 pending ~p~lication; in thi~ cast cannot) operate ·as.a~ bar! to executi6n · ! <;l' ' I of decree. Stay can l:>e ord~red on conditions stipulated by lay-J. 1 l ! ' I ' · · 1 Co~sidering the issue, the CA~ in Albert Braga~za & AnothJ; vs Mr~ .. Filra": / : :) · i : - ! - - - r j _ , ; ; ' ' " ' . ' . I I I .. , / ' i I . , I I) . I .. ; / .. -1. ; .. , ' , \ , . : 1 J , . , ' l fl . J · 10 I · . I I i I . I ' · I I · ; t i : ' . . Without prejudging · the case before the ~1; ' . · i MA/ it is . vious the applic;ant was aware of the casJ all the rlim , iparticularly ~he; secontj and third ti rile the. ~ame was before trle CMA. He had k:ounseL If. · · i~br~c~it>~s had be~ ~ , rem~ved from cou~sel t~e f~urth ; t!~; ; la~oundj . - t~e . ' . advoqite ~ . : . . : vJas dJJ bo~nd tb inform - he o~her side and t:h~ CMA1 · : . I . : There:'was no eviden;ce.- to showj that he id and as held a: nu'mber d t1~es: . ' . by th~; 'courts I . . tau ntiry negligence. . . . , rhthis I or fr1a,ctibn ~n lh~: I l I pa: . ' · . I ' . . o f counsel ii not sufficient;:causk for extending time. I wish to in~it; · . . ttie apf)ncaflt tObe +ndfui of t~e ~bse~ation~ made bV Lub~va Jd · . : pp:i:~:::o:~:::d:~:::fv:9:~:::dcrl~::~:h:t:h~::~ in:~ia:~:::~::~u~::~: was put_up a's a gro~nd for extehding ti~ethat: . , \ · · : I I I ' I ' , ' 1 · · 11 The legal ph~ition regarding neglige ce and inaction in the l . . . - I . j ' · · O ! ' : I · · : ! i : I , · · · performance:- ot:Counsel'si duty in onducting the _clief!t's i · : . ; ! 1 . , : : cases has· b~en ~reclpitulated in a n mber bt cases by the; · , · . : . : ' [' L: . , ; f~urt ; f Ap#e~/ ~. Eastern Africa and ~his Court It is ; · 1 i · . _ common knowledge that-negligence r inaction on the part I · ; ; . \ ' l ' of coun~e/ whi~ catses i/2 ordinate · elay in the processing l , , , ' : ... ' .. . , . of 'taseS:- haJ:iJdrn}~lv bekn held bJ: the Coutts as. n~t as l : : . ; , , , ' . 1 (; hbi"scmden~rea,t; /1~r e{tenaing-rAe t, / ; t31under Rui~1Jo, - ; ' · . ~ I : , , ' ! . . : w~::~; i:t:t;u;::sJ;::;:i:~:::r:~::p!;::;t>~!": · ; . upon t'7e lt/~;:~it~ · or kidiJidud t.asek misiak~ . Dl LOuAs; i ! ! I I : · may be considered as sumcient caJse. The logical behi(ld . . I I I this is easy_t' _appreciat4. Once a'li indivi~ual person ~as , ' , , ' l entrusted hJ or her case :to counsel to defend the casd/ it : : . . . : ! I · ; . . i . . . ' I I ' all · Jue is <~xped:ed[th~t such tounsel iA to exercise< . ' fr }f ! _ ; / {r . . [II ; ' . ; ; ; · · ' . . . : ' . . . diligence ancJ. industry pro(essionally in hanaling the case at . . 1) . : i ; ' I · I ! i I 11 I I I ' .. I I I / . ' · . ' " . . I ! I , , , , t/ ~ ~ 7 . , , c!1 . , ~ ~ .. ' : 1 ' · , _ · , l:~: . f . & ! : \ ; , , J ... · · . , , , 1 , , u ~ 1 : , , ! 1 : ~ · , · ! .. . · ~ , _ · _ i _
- all 5.tag~s. ilf negligence I and m~stikes ~ri . the ·pl~: I of~t ~; ~ , ~ , i~tir ~ ; \ 11 f counsel were/a be taken ghtly, there ou(~ ~ , e no ~-n_d(o , , , _ ' . , i : i litigation in Court as losing parties would seek to re-instate f · . . , cases out of time on grou~ds of nedtignce on the part! of I I I I ; I , J ' . counsel. On t~e basis ot; this principle, tle Courts h~ve ; take,n a 5!:_ctr;ew_ on al/7ed ~ct5_ o+eg/ig~nce by c~unfet : . : t , ; , ; , Ii , ' (Th~ Co~1..tlere .fhen qu?tes~ with '! PP~v~i/~e1c.~::~s1:or~l~tn ' : r1 . ' i i , · 1 . , I l I · I · I t~.; Henry Bh~rma~ a~d Bothers V. Santos~ ~Jff!ari w/o J. , N. ii.; J: ~-~: : : ; I , , t I · 1 , , , , " , r · · Bhola (1961} E.A. 679; Kighoma Ali IMalimi v. Abbas Yusuf+ · t: ' ~ . i l ~ · · : · _ , i : · · - I I I . ; Mwingamno Civil Application No. 5

bf 1987 (unreported): . Institute of Financ_e Manakement anh Simon· Manvaki, Civil ' -~ :. ~ Applicatio,y No. 1-! of 1967 (unrepoffed) a~d Mau/id Juma ·l . t:(. -~' \ , ,!-i

- v. A_· bdall; , , luma· , - c; J1 App!icatJon Nd. :+}o · of.F9~::~'lltf_i; ; ; ; -!; : . : . i{ l 1 ' " " I . l i i ' , ' f. ! - l(-1,1~::~!' if · 1: ~; ; (unreported)) Referred to iri' Misc]Cr..Appl. 109/199t:(' · l~::r: -Jp*~::!; ; j '\. I (MJ.anzi rdgistl') - uni~portedJ.i; . · I I I l . ' I i I I I; ' . I I I That apart, the applicant aher withdrawin,g: instructions 'frohi' i~ i , . . I I I : · · . counsel should have pursued the case a? ordered by the court: It is : t i~:: t~a~ ' . wider· cqi:1~ext that I donsider lhe issu~ of· act~r1g .. ' . . . , ; ; , · 1 , , t , wit~ocyt:t / ~:: \ I (, I l . k-1 l l ' 1-- v, , , ' : ' ' I . I ' . _::11·o'rdi~at~ . 9ela_v.it~01 firid t~at i the ·· P.plid1~::~s · in,a~i,?~f·1~f:~\ . , ~}; . L : . i; . b . , , - ' , ... i., [.. 'h. :k; , t.\; , d" · , J , , :rft" liJ .. _ r · , . l . · , · t:~eI I er3te CiSfSf;cra·_01 ~; ; (:f:~CG.JSS~ty :~J'f1 :! i~· iii~ , · ISpGt~ uetwee~\~::~f J;r- : : ' ' i' ..#; , , , _ 1, - , J I . · J~rti~s resolved, 'it w~s recklesi at the ~ery least and no reasciQ~bi l I l . , ; . I ' ' . I I I . ' . , · ' !
- · I tribunal would grant an. application in the background of this easel. ...; , ·; . ' ; ' . > . \~ ; .. ~;~it :.i: +} . :;;> I ..l , . . - l f·j' : , , 1 ;ctf,J~_ I ·_ , ... r:~:~ , , , ~iu r~:j.) " _J. i'" - · f · : : ~ , · ' . l ' t~ti" . I i . · · ' · M · i - , · f · I · " : 6 . ' , , u Admittedly, the :other grot;md considered , in granting .~u~t~n Hi; ; ff!l 1 ; ' . ,
 - i' .. : : L . , i _ : l · ' · ~ : k 1 , , , " ~r J application is that: : r i , \ , . : j ' ... I · , , · · . t " , ~ 01 _ . r 1 , ; . , , 1 , ,
 - t ' 1 - " - 11 the loss or injury that an, applicant would be subjecte~to , ; 1. The loss had to be of an irreparable nature. which could not ~· . }~· , t ~· ' !? : ~ : F~:: : . 12 'i. l . l ; ; .. - . 1; ; . t.. . :) \ . ci) (/11:~; ; ; _; : [: _ : . : ; : _ - 1 = - - - - - c~ - - - - - ~ ~ ~ , - - i - ~ - , ~ - , ~ · ' of dama §s· " See/0~ CAT " · · · .. , · , i) : - L , i : : : > (· , · , · · 1 · : ; : : : : .. in ~ / ~ holas Nere Lekule Vs Indepen~ent P. lwer (T) Ltd'&_ \ \ ifl \ ; ~ Ihi : · AnOther 1997 TLR 58, \ \ : · , · · , J , i , , .) I ! . I . . 1 - ! : : : : : : : : : / : : ' t - \ . ' j' r · · ' ' I L ' ' . The issue for decision is whether the applicant has ~hown· that , . . ; he would suffer irreparable loss. . \ . \ I l : ; : - . ; ; i : i · I ! ; (. I I I : : · j , \ ' - t.. : i · , , . i · ! In~the~applicant's affidavi~ in support of :this 'apbircJtio~r\lti~\~; ; ; ; : . , - . i . ' > . r . · - . 1 : ' : . , . · I · I · ! : ~ \ ' : pleaded. ; _in: iithe· . last,, paragraph that Irreparable loss ; woulq:~; b~ · _ ' . ~h:J:~sub~siion was focused od~howing hieri~of.th;e:applic~tidn_::fo_::~:~; , i : i.. \ . . : , . I · : j · ' · · · 1 : .. , · s~tting aside the exparte award~ in the \event. extension to file~.ith: _; _ . , , same was granted by the CMA. · \ \ , . . . · I i , I l · · I I . I . I I I · ' : f . As to the issue of loss, the applicant submitted briefly that the! . l ; . . i decree holders would not be a~le to refund the monies ~eceived; in' : the event the decree is set aside afte~. exec'ution. The! applicants . · though added in repl~ that it wduld be a~le if ~rdered.to ~ut :up~hal~; ; ; , · . , , ' . ~ ; , ...' l . . ; { ~r . ~ . ; · as; securir; , · · \ , . . . : ~ 11}0!;1..Qt~rt ' ?Sh .i' ~d C~:C: · C·1.e ~ ha If by. ; ; ; , , , , ; ; f rfgi ~tEF:::~! , p: ') ~rttes; ; ; ; , . . . ! ~ I .. , \ : i · i · i ; · ~ · r ~ly . , . r : : : ~ : ' ! · · · ! : ; .. (· , : : ' i : · . , , ' ' I I · · \ . - · · ; · · , : : ' l ' , . . ; · cbhsi~t: in9 :u hiStOr; · ~1 this caJe hole~er; r find iha{ ~i : . i - t · . : I ~ . I; , · , j compelling re~sons e!<ists to moVe this co~rt to;grant.~e applt~ion} and it would not be. in the int!rest of iustice to deiyy the 'd@creef;(, · .. · holders· their valuable right per? istently \sought~ by prolqnging the· ' 1 · I : · I \ I . ' : ~ i i 13 i I I : \ . j . i \ _ . I . , I ! I i i , \ ... I t

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- I:!'I:!'7_t~'1'!.!.t.r.:.~: t~{~;;~; ; .. '14 .. ""i-~- , ;J~, , .. ,i: "" 'j I ~ •.. !lj./

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