

TANZANIA / JUDGMENT

20211110 TZHC Dar es Salaam

COURT
TZHCDECIDED
10 November 2021

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IN THE HIGH COURT OF TANZANIA (DAR ES SALAAM DISTRICT REGISTRY) . · AT DAR ES SALAAM LAND CASE NO. 56 OF 2012 CHRISTOPHER M. NYIRABU ~. PLAINTIFF VERSUS HAMAD NDONDO•..... 1ST DEFENDANT :. . . ND FLUMENCE LEODGAR LUPINDU 2 DEFENDANT ;iAM.IS a.k.a HAM.IS BONGE 3RD DEFENDANT

RULING

KISONGO, DR _The last time 'this matter was adjourned to come today for Judgment /Debtor to show cause. Mr. W. Ogunde, the learned Counsel representing the Judgment Debtors was present. Together with his clients they opted to enter no appearance. Mr. Mgare the learned Counsel for the D/Holder prayed under Order XXI ruled 21(1) of the Civil Procedure Code 33, R.E. 2019 for this Court to order execution of this Court Decree in the manner that they :lave applied for. The Decree subject of execution declared the· D/ Holder lawful owner of the suit property which is plot No. 244, Industrial area Kitunda area, with an award of Tshs, 20,000,000/= being the damages plus costs. , .. ' ; ,... ..• The modes that has been applied for are

1. Attachment and sale of cement container, ·cement Blocks and Aggregates and Timbers.
2. Immediate eviction of the Judgment Debtors from plot No. 244 Kitunda Industrial area. No sufficient particulars in respect of properties subject of attachment has been provided. It is from that basis, I proceed to grant the prayer for immediate eviction of the Judgment Debtors from Plot No. 244, Kitunda Industrial area under Order XXI rule 21(1) of the Civil Procedure Code, Cap 33, R.E. 2019. I appoint Hillary Sande Ligale t/a Noel Estate Co. Limited to execute the Decree by evicting the ____ Judgment/ Debtors . '1" 0~ ~ . ' . .. ~ . C.M. ~ONGO •• l EPUTY REGISTRAR / ,?'... 10/11/2021 --;;;;~ 10/11/2021 Coram : Hon. Kisongo , DR .. Forthe D/ Holder : Present in person. For the J/Debtor : Mr. VJ. Muhanda, Adv Cc : Aurelia .. Mr. V.J. Muhana, Adv: Your honour the matter is for Ruling we are ready. Court: Delivered the,,, Ruling in the presence of parties as per the Coram above. C.M.KI'2 EPUTY REGISTRAR 10/11/2021

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