

TANZANIA / JUDGMENT

Misc

COURT
TANZLII

DECIDED
27 August 2024

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA LAND DIVISION AT PAR ES
SALAAM MISCELLANEOUS LAND APPLICATION NO 26617 OF 2024 (Originating from Land Case
No 26425 of 2024) KESSYNURU TAJIRI..... APPLICANT VERSUS PPF
SACCOS LIMITED..... 1st RESPONDENT YONO AUCTION MART &
COMPANY LTD..... 2nd RESPONDENT

RULING

Date of last Order: 24/10/2024 Date of Ruling: 24/10/2024 LALTAIKA, J. The Applicant herein
KESSYNURU TAJIRI has moved this Court under Order XXXVII Rule 1(a) and 2(1) and sections
68(c) and (e) as well as section 95 of the Civil Procedure Code Cap 33 R.E. 2019 seeking for the
following

orders:

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- (1) A temporary injunction restraining the Respondents, her agents, workers or servants from
sa/e and/or disposing off in any manner the two houses situated at Mikocheni area in
Kinondoni Municipality Dar-es-Salaam identified by Title No. B7868 Plot 1017 Block F and
Tide No. 1862/168Plot 3 & 3A Block 41 Kinondoni Area pending the hearing and final
determination of the main Application.
- (2) The cost of this Application be provided for.
- (3) Any other relief the court may deem fit to grant. When the Application was called for
hearing on the 24th of October 2024, the Applicant appeared in person, unrepresented. The
Respondents, on the other hand, enjoyed the legal services of Mr. Paulo Mtui, learned
Advocate accompanied with Ms. Witness Pallangyo, Hamisi Mkangamo, and George
Buhatwa (Officers of the 1st Respondent) The Applicant informed the court that the
application was coming for hearing and that the same was of extreme urgency because of
the eminent danger of the property of her own being sought to be auctioned by the
Respondents. She hoped the Application would be granted pending hearing and final
determination of the main suit namely Land Case No 26425 of 2024 pending in this
Chamber. 2 Mr. Mtui, on his part, appeared relaxed. He informed the court that he had no

intention of objecting to the Application. He prayed that as the temporary injunction is granted, parties proceed with the necessary steps to speed up determination of the main suit. He intimated that he had raised a point of preliminary objection PO and was fortified that the same could determine the fate of the suit on the first day the PO is heard on merit. This is probably why he appeared relaxed. I have considered the concurrent submissions by both parties. In our jurisdiction, the legal framework for temporary injunctions is primarily governed by the Civil Procedure Code (Supra), specifically under Order XXXVII. It is a court order aimed at maintaining the status quo between parties involved in a dispute until the court reaches a final decision. The main goal of a temporary injunction in our jurisdiction as it is, I believe in many if not most other legal systems around the world, is to prevent irreparable harm, damage, or injustice that could occur if one party is allowed to act in a way that affects the subject matter of the dispute before the court has had a chance to decide on the matter. 3 A detailed examination of the requirements for granting a temporary injunction as laid down in several cases is irrelevant in the present application because the Respondent has not objected the same. In the upshot, the Application for a temporary injunction pending final determination of Land Case Number 26425 OF 2024 pending in this Court is hereby granted. Each party to bear their own cost. It is so ordered. C0U/?> E I. LA LTAl KA Court: This Ruling is delivered this 27th day of August 2024 in the presence of Mr. Paulo Mtui, learned Advocate for the Respondents, the Applicant who has appeared in person. 4

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CASE PAGE <https://chat.esheria.ai/case-law/tanzania/kessynuru-tajiri-temporaryinjunction-tanzlii-2024>

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