

TANZANIA / JUDGMENT

Iwempisi general co ltd others vs national bank of commerce 2018 tzhccomd 75 4 june 2018

COURT
TZHCCOMDDECIDED
4 June 2018

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IN THE HIGH COURT OF TANZANIA (COMMERCIAL DIVISION) AT MWANZA Miscellaneous
Commercial Application No. 01 of 2018

1. LWEMPISI GENERAL CO. LTD.
2. CHARLES KAHATANO LWEMPISI
3. JOSEPH ISHENGOMA BYEKWASO
4. RICHARD KWEYAMBA APPLICANTS
5. JOSEPH RUGALABAMU
6. GETRUDE CHARLES
7. MBELWA MGANGA CHARLES Versus THE NATIONAL BANK OF COMMERCE RESPONDENT

RULING

04th June, 2018 A.R. MRUMA, J. I agree with the learned counsel for the parties that under the provisions of Rule 37(2) which is couched in mandatory terms it is only the mediator judge who can hear and determine an application made under Rule 37(2) of the Rules.

- I note that in this Application counsel for the parties have filed affidavit and counter - affidavit regarding their conversations and communications in respect of the calling of the matter for mediation on specific date(s). Interestingly their affidavit and counter-affidavit suggest one thing; that is to say one of them is lying on oath. Lying on oath may amount to perjury u/s 102(1) which is punishable under the penal code. It may also attract sanction u/s 22 (b) of the Advocate's Act. However, as I have no jurisdiction to determine this application, all factual or legal issues that may crop up in this application shall be dealt with by the 2uv- A. R. Mruma JUDGE 04/06/2018 2

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CASE PAGE	https://chat.esheria.ai/case-law/tanzania/Iwempisi-general-co-ltd-v-the-national-bank-of-commerce-jurisdiction-tzhccomd-2018

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