

IN THE HIGH COURT OF TANZANIA  
(COMMERCIAL DIVISION)  
**AT DAR ES SALAAM**

MISC. COMMERCIAL APPLICATION NO. 343 OF 2017  
(Arising from Misc. Commercial Application No. 192 of 2017)

**BETWEEN**

ELIAS MASIJA NYANG'ORO ----- 1<sup>ST</sup> APPLICANT  
EDNA ELIAS NYANG'ORO ----- 2<sup>ND</sup> APPLICANT  
RODRICK ELIAS NYANG'ORO----- 3<sup>RD</sup> APPLICANT

***VERSUS***

MWANANCHI INSURANCE COMPANY LIMITED ----- RESPONDENT

**RULING**

**SONGORO, J**

The three applicants namely Elias Masija Nyang'oro, Edna Elias Nyang'oro and Rodrick Elias Nyang'oro filed an application for leave to appeal to the court of Appeal of Tanzania. The applicants application was made under section 5(1) (c) of the Appellate Jurisdiction Act Cap 141, [R.E. 2002] and is supported by Affidavit sworn by Mr. Daimu Halfani, Applicant's Counsel.

The Respondent in the Application is Mwananchi Insurance Company, Ltd, who also filed a counter affidavit sworn by Ephraim Christopher Manase Mrema.

Thus on 17/4/2018 afternoon when the application was called for hearing, Mr. Daimu Learned Advocate appeared for the applicants and reported that, is ready to pursue the application.

In the reply on readiness to respond to the application Ms. Agnes Dominic, Learned Advocate who appeared for Respondent informed the court that, are not contesting the applicant application for leave.

The court considered the applicants application for leave to appeal to the court of Appeal against the decision of this court in the Misc. Commercial Application No. 192 of 2017, plus a fact that, the applicants intends to challenge a High Court decision on the ground that, were condemned unheard, and find the applicants have expressed sufficient reason which may warrant the granting of leave to appeal to the Court of Appeal.

Bearing in mind that, the application was not opposed by the respondent, I hereby pursuant to Section 5(1) (c) of the Appellate jurisdiction Act, Cap, 141, hereby grant applicants leave to appeal to the court of Appeal with immediate effect. Each party to bear his own costs.

Dated and Delivered at Dar es Salaam this 17<sup>th</sup> day of May 2018

  
H.T, SONGORO  
JUDGE

The Ruling was delivered in the presence of in the presence of Mr. Daimu, Learned Advocate of Applicants and Ms. Agnes Dominic, Learned Advocate of the Respondent.