

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(COMMERCIAL DIVISION)**

**AT DAR ES SALAAM**

**COMMERCIAL CASE NO. 9691 OF 2025**

**REDDSON ENGINEERS PRIVATE LIMITED ..... PLAINTIFF**

**VERSUS**

**LAKE GROUP ..... 1<sup>ST</sup> DEFENDANT**

**LAKE GAS LIMITED ..... 2<sup>ND</sup> DEFENDANT**

**LAKE CYLINDERS LIMITED ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

16/04/2026

**KINYAKA, J.:**

When the matter was placed before me today for orders, both parties informed the Court that the matter was scheduled for ascertaining the plaintiff's compliance with an order to deposit security for costs of US\$ 7,000 as per the order of this Court dated 27<sup>th</sup> March 2026. According to the order

of this Court in Miscellaneous Commercial Application No. 21652 /2025, this Court granted the plaintiff an order to deposit security for costs of US\$ 7,000 within fourteen days from the date of the ruling.

Mr. Evans William, learned counsel for the applicant prayed for adjournment on the pretext that the plaintiff has uploaded to the Court's online system an application for enlargement of time to deposit security bearing admission number 23625 yesterday, the 15<sup>th</sup> day of April 2026 at 19:00 hours. He submitted that the law under sections 103 of the Civil Procedure Code Cap. 33 R.E. 2023, hereinafter the "CPC" and 14(1) of the Law of Limitation Act Cap 89 R.E. 2023, hereinafter the "LLA" permits enlargement of time for delay in taking any action.

The prayer was fiercely resisted by Ms. Oliva Mark, learned counsel for the defendants. She submitted that the prayer by the plaintiff is tantamount to an admission that she defaulted to comply with the order of this Court dated 27<sup>th</sup> March 2026 and no reason has been advanced for the non-compliance. She prayed for the dismissal of the suit under Order XXV Rule 2(1) of the CPC. She added that sections 103 and 14(1) of the CPC and LLA are irrelevant in the present matter as the application is not placed before me and has not been served upon the defendants.

Having heard the parties, I noted the plaintiff's admission that he failed to comply with the order of this Court dated 27<sup>th</sup> March 2026 to deposit security by 10<sup>th</sup> April 2026, the period when the fourteen days ordered by the Court expired. In determining the present wrangle, I have keenly considered the provision of Order XXV of the CPC. Crucial in the present matter where the plaintiff has failed to comply with the order for deposit of security, is Rule 2(1) of Order XXV of the CPC which provides:

*"In the event of such security not being furnished within the time fixed, the court shall make an order dismissing the suit unless the plaintiff or plaintiffs are permitted to withdraw therefrom."*

The above provision is couched in mandatory terms. As there is a clear admission by the plaintiff for non-compliance with the order to deposit US\$ 7,000 as security for costs, the available remedy is for the Court to dismiss the plaintiff or permit the plaintiff to withdrawal from the suit.

I have considered the plaintiff's prayer for adjournment to allow the completion of the filing, assignment and determination of the application for extension of time. It is unfortunate that the application is not before me and is yet to be assigned and served upon the defendants. Further, the plaintiff admitted that she filed the application yesterday, the 15<sup>th</sup> day of April 2026

at 19:00 hours. While the plaintiff had fourteen days to deposit the US\$ 7,000, she did not bother to take necessary action to prosecute her action prior to the expiry of the fourteen days upon finding that he would not be able to comply with the court's order within the time prescribed in the order. In total disregard of the order for deposit of the security for costs, she failed to prefer similar application from 10<sup>th</sup> April 2026 when the fourteen days expired but waited until some hours before the proceedings in the present matter today to prefer an application for extension of time. The plaintiff's actions demonstrate his lack of interest to deposit the security for costs and prosecute the present suit.

Consequently, as the plaintiff has not applied to withdraw from the suit, I dismiss the present suit with costs.

It is so ordered.

**DATED at DAR ES SALAAM** this 16<sup>th</sup> day of April 2026.



**H. A. KINYAKA**

**JUDGE**

**16/04/2026**