**Ladak v Registrar of Buildings**

**Division:** High Court of Tanzania at Dodoma

**Date of judgment:** 23 February 1973

**Case Number:** 2/1973 (50/74)

**Before:** Kwikima Ag J

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*[1] Civil Practice and Procedure – Inherent jurisdiction – Injunction, grant of – Threatened eviction by*

*landlord for non-payment of rent before assessment of standard rent – Civil procedure Code*, *s.* 95 (*T*)*.*

*[2] Landlord and Tenant – Owner of acquired building – Tenancy protected by Rent Restriction Act*

(*Cap.* 479) (*T*) – *Rent Restriction – Acquisition of Buildings Act* 1971, *s.* 7 (*T*)*.*

*[3] Injunction – Tenant’s threatened eviction by landlord for non-payment of rent before assessment of*

*standard rent – Injunction granted – Civil Procedure Code*, *s.* 95 (*T*)*.*

**Editor’s Summary**

The applicant was the owner of a building which had been acquired under the Acquisition of Buildings

Act 1971. He had challenged the acquisition in the manner provided.

The applicant was in possession of part of the building, and the respondent had demanded rent from him. On his failure to pay the respondent proposed to evict the applicant.

The applicant applied under the court’s inherent jurisdiction for an injunction restraining his eviction and argued that he was a tenant to whom the Rent Restriction Act (Cap. 479) applied, that no standard rent had been fixed and that he could not therefore be in arrears.

**Held –**

(i) the court would exercise its inherent jurisdiction;

( ii) a former owner is a tenant to whom the Rent Restriction Act applies;

(iii) as no standard rent had been assessed the applicant was not in arrears and could not be evicted.

Application granted.

**No cases referred to in judgment**

**Judgment**