



**IN THE EAST AFRICAN COURT OF JUSTICE AT ARUSHA
FIRST INSTANCE DIVISION**



(Coram: Monica K. Mugenyi, PJ; Audace Ngiye & Charles Nyachae, JJ)

APPLICATION No. 3 OF 2019

(Arising from Reference No. 9 of 2019)

FRANCIS NGARUKO APPLICANT

VERSUS

**THE ATTORNEY GENERAL OF
THE REPUBLIC OF BURUNDI RESPONDENT**

DATE: 20TH JUNE 2019

RULING OF THE COURT

1. This is an Application for interim orders *ex parte* pending the hearing of the Parties in the same Application *inter partes*. the Application is grounded in **Reference No. 9 of 2019** between the same Parties that challenges the decision of the Republic of Burundi's Special Court of Land (Second Degree).
2. The interim orders sought by the Applicant are as follows:
 - i. Pending *inter partes* hearing and determination of the Application, an order doth issue prohibiting the Respondent from implementing the impugned decision or in any way taking action to revoke, cancel or otherwise dispose of the Applicant's interest in the subject property.
 - ii. Pending the hearing and determination of the Reference, an order doth issue prohibiting the Respondent from implementing the impugned decision or in any way taking action to revoke, cancel or otherwise dispose of the Applicant's interest in the subject property.
 - iii. The Respondent do file an appropriate undertaking before the Court that no alteration or any modification shall be done on the subject property pending further orders of the Honourable Court.
3. We deduce orders (ii) and (iii) above to relate to the *inter partes* Application and shall therefore restrict ourselves to the first order sought in this Application.
4. In an application such as the present, the question before us would be whether the case made by an applicant would warrant the grant of such orders *ex parte* rather than *inter partes*.

