

**IN THE COURT OF APPEAL OF TANZANIA
AT ARUSHA**

CIVIL APPLICATION NO. 10 OF 2015

CUTHBERT ONESMO MURO APPLICANT

VERSUS

- 1. NATIONAL MICROFINACE BANK LTD
2. UCHUMI COMMERCIAL BANK LTD
3. MEM AUCTIONEERS & GENERAL BROKERS LTD RESPONDENTS
4. INDEPENDENT AGENCIES & COURT BROKERS LTD
5. RUTH ONESMO MURO & 4 OTHERS.**

(Appeal from the Decision of the High Court of Tanzania at Moshi)

(Munisi, J.)

dated the 15th day of September, 2015

in

Land Appeal No. 21 of 2013

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ORDER OF THE COURT

JUMA, J.A.:

Today, which is the day that was fixed for the hearing of this application for stay of execution, the applicant, though served by the process server, did not appear to prosecute his application.

Mr. Ephraim Koisenge, the learned advocate who appeared for the first respondent invoked Rule 63 (1) of the Tanzania Court of Appeal Rules, 2009 (the Rules) to urge us to dismiss the application. He also pressed for costs.

On our part, we entirely agree with Mr. Koisenge that this application should be dismissed in terms of Rule 63 (1) of the Rules. It is dismissed accordingly with costs.

DATED at ARUSHA this 21th day of October, 2016

S. MJASIRI
JUSTICE OF APPEAL

K. M. MUSSA
JUSTICE OF APPEAL

I. H. JUMA
JUSTICE OF APPEAL

I certify that this is a true copy of the original.



B. R. NYAKI
DEPUTY REGISTRAR
COURT OF APPEAL

