

**IN THE HIGH COURT OF TANZANIA
AT DODOMA**

MISC. CIVIL APPL. NO. 9 OF 2005

**(Originating from the Decision of the High
Court of Tanzania vide Civil Appeal No. 62 of
2004)**

LEONCE S/O COSMAS APPLICANT

Versus

COSMAS KAUNDA RESPONDENT

R U L I N G

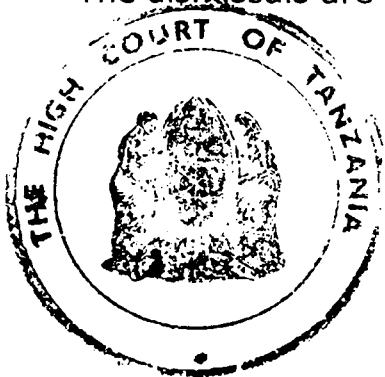
MASANCHE, J.:

Mjasiri J, delivered a judgment in (PC) Civil Appeal No. 62/2004. She delivered it on 7/10/2005, in the "presence of Appellant's attorney Leonce Cosmas and the respondent Cosmas Kaunda."

On 2/11/2005, the applicant filed a chamber application for, what he has termed as a "review" of the judgment of Mjasiri J, delivered on 7/10/2005. Then, on 24th of April 2006 he filed another chamber application, this time asking for an "ex parte order for stay of execution of the judgment of Mjasiri J, pending the hearing of the application for a "review."

There can be, in the first place, no review of the judgment of this Court, delivered on 7/10/2005. The applicant does not point out any errors apparent on the face of the record which would justify a review.

About his application for stay of execution, one can only say that it is time barred. Such applications must be made within 30 days of the ruling of judgment :(see The Law of Limitation Act 1971. Part III item 3). So, his two application are of no substance at all. Both of them, the application for review, and application for stay of execution, are dismissed - (Miscellaneous Civil Application No. 35/2005 and Miscellaneous Civil Revision No. 9/2005 having been consolidated). The dismissals are made with costs.



DODOMA

15th September, 2006

Applicant – Present in Person.

Respondent – Present in person.


(J.E.C. MASANCHE)
JUDGE