

**IN THE HIGH COURT OF TANZANIA  
IN THE DISTRICT REGISTRY OF SHINYANGA  
AT SHINYANGA**

**MISC. LAND REVISION NO. 06 OF 2020**

*(Originating from Kahama District Land and Housing Tribunal in land application No. 186 of 2017)*

**MARIA JOHN.....APPLICANT**

**VERSUS**

**1. EMMANUEL NTUBILU**

**2. SIMON MASUNGA**

**3. MKASSIWA AUCTION MART CO. LTD**

**.....RESPONDENTS**

**RULING**

13<sup>th</sup> November, 2020

**Mdemu, J:**

I heard parties in this application specific on maintaining *status quo* pending the determination of application for revision by this court. As it is, there is no dispute that, the 2<sup>nd</sup> Respondent borrowed some money from the 1<sup>st</sup> Respondent so that to settle the loan facility from ACCES Bank. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents differs materially on the amount of loan. Whereas the 1<sup>st</sup> Respondent said it was Tshs.10,000,000/=, the 2<sup>nd</sup> Respondent stated to have borrowed only Tshs. 3,800,000/=.

Also going by the affidavit of the Applicant, it appears the following transpired in the District Land and Housing Tribunal. **One**, determination of the main application regarding the house in dispute, **two**, objection proceedings, which the Applicant complained to have not been given the right to be heard, and **three**, also it is not clear on how the said house got mortgaged. All these may be resolved not at this stage, but during revision proceedings.

As said, they cannot be done in circumstances where the house in question is auctioned on Monday the 16<sup>th</sup> of November, 2020 as per the notice of auction dated 2<sup>nd</sup> November, 2020. Indeed, it will be an academic exercise. In the interest of justice to both parties to this application, it is prudent to maintain the *status quo*, as I hereby do, pending Revision proceedings. On that note, auction of the property (Bar and Guest House) located at Mtaa wa Centre 'B' at Kagongwa area is hereby stopped pending hearing of the application for revisions.

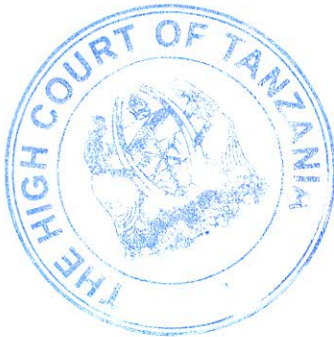
It is so ordered.

  
**Gerson J. Mdemu**

**JUDGE**

**13/11/2020**

**DATED at SHINYANGA this 13<sup>th</sup> day of November, 2020.**



  
**Gerson J. Mdemu**

**JUDGE**

**13/11/2020**