

**IN THE HIGH COURT OF TANZANIA
(LAND DIVISION)
AT DAR ES SALAAM**

MISC. LAND CASE APPLICATION NO. 641 OF 2021

JUNACO (T) LTD.....1ST APPLICANT

JUSTIN LAMBERT.....2ND APPLICANT

VERSUS

WAHENGHA INVESTMENT CO. LTD.....1ST RESPONDENT

TAMBAZA AUCTION MART AND

GENERAL BROKERS LIMITED.....2ND RESPONDENT

Date of Last Order:14/12/2021

Date of Ruling:22/12/2021

RULING

MKAPA, J;

The applicants have preferred this Application under sections 38 (1), 68 (e), 95, Order XXI Rule 9, 24 (1) & (2) Rule 57 (1) of the Civil Procedure Code (CPC). Cap 33 [R. E 2019], seeking for an interim ex-parte order to set aside warrant of attachment issued by this Court in **Execution No. 28 of 2021** dated 9th November, 2021. Amongst the listed properties for attachment is a house known as JUNACO Maji House situated at Keko Area Chang'ombe Taifa Road; Office Furniture at 8th and 10th Floor IPS Building Azikiwe Street; and Mlandizi water plant and water pipes and pumps.

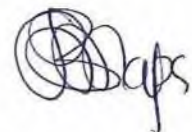


The Applicant's second prayer was for the court to order stay of execution of the decree dated 8th November 2021 after the first prayer has been granted in order to investigate the objection of the applicants herein for interest of justice as the attached properties do not belong to the applicants.

When the parties appeared before me for hearing the applicants were represented by Mr. Ferdinand Masoy learned advocate while the respondents had the services of Mr. John Nyange also learned advocate. Mr. Nyange did not object to the prayer for stay of warrant of attachment dated 9th November, 2021 thus, the application for stay of execution was granted.

On the date set for hearing of the application inter parties on the prayer for stay of execution of the decree dated 8th November 2021, Mr. Ferdinand Masoy, counsel for the applicants informed the Court that the applicants had already settled the matter with the respondents and the respondents had conceded to the application and each party to bear own costs.

In response Mr. Michael Nyambo learned advocate for the respondents conceded to the application and parties to bear own costs.

A handwritten signature in blue ink, appearing to be 'M. Nyambo', is located at the bottom right of the page.

Having heard the submission of the learned counsel for the applicants which was not objected by the learned counsel for the respondents' the application is hereby granted and each party to bear own costs.

It is so ordered.

