

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

**MISC. LAND APPLICATION NO. 299 OF 2021**

**FELIX CHANGWE BRUDER (Administrator of the Estate of the late  
EMMANUEL PALA PALA BRUDER) .....1<sup>ST</sup> APPLICANT**  
**MAMA MFINANGA.....2<sup>ND</sup> APPLICANT**  
**MWAJUMA NDEGE.....3<sup>RD</sup> APPLICANT**  
**EMANUEL MSHANA.....4<sup>TH</sup> APPLICANT**  
**MR. THOMAS.....5<sup>TH</sup> APPLICANT**

**VERSUS**

**SAMIA WILLIAM BIHEMBO (Administratrix of the estate of the late  
Biswad Salenda Msuya) .....1<sup>ST</sup> RESPONDENT**  
**SHABANI SALENDA MSUYA (Administrator of the Estate of the  
late Biswadi Selenda Msuya) .....2<sup>ND</sup> RESPONDENT**  
**LONGI BISWADI MSUYA (Administrator of the Estate of the late  
Biswadi Selenda Msuya) .....3<sup>RD</sup> RESPONDENT**  
**OMARY BISWADI MSUYA (Administrator of the Estate of the late  
Biswadi Selenda Msuya) .....4<sup>TH</sup> RESPONDENT**  
**FOSTERS AND COMPANY LIMITED.....5<sup>TH</sup> RESPONDENT**

**R U L I N G**

*Date of Last Order: 09.08.2022*  
*Date of Ruling: 29.08.2022*

**T. N. MWENEGOHA, J.**

The applicants are seeking for an order stay the execution of judgment of this court, given in Land Case No. 282 of 2010, pending the determination of Misc. Land Application No. 299 of 2021. The application was brought under Order XXI Rule 24(1) and Sections 68(e) and 95 of the Civil Procedure Code, Cap 33 R. E. 2019. It was accompanied by the affidavit of Sindilo Lyimo, Counsel for the applicant. The same was heard by way of written submissions. Advocate Sindilo G. Lyimo appeared for the applicants while the respondents were represented by Advocate Queen Sambo.

However, as I was writing this Ruling, I realized that, the case to which this application is based (Misc. Land Application No. 299 of 2021) was struck out on the 27<sup>th</sup> July, 2021. That is to say, the application at hand has been overtaken by events. Hence, I see no need to reproduce the submissions of the counsels for the parties for and against this application, though I appreciate their efforts in arguing for and against this application.

In the end, I find this application to have no merits and I dismiss it accordingly with costs.



  
**T. N. MWENEGOHA**

**JUDGE**

**29/08/2022**