

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

**MISC. LAND APPLICATION NO. 271 OF 2022**

(Originating from Land Case No. 166 of 2012)

**AYUBU SALEHE CHAMSHAMA.....1<sup>ST</sup> APPLICANT  
ESHE KHAMIS.....2<sup>ND</sup> APPLICANT**

**VERSUS**

**DIMOND TRUST BANK TANZANIA LIMITED....1<sup>ST</sup> RESPONDENT  
SAC HOLDINGS LIMITED.....2<sup>ND</sup> RESPONDENT  
SUMA JKT AUCTION MART.....3<sup>RD</sup> RESPONDENT  
ABDALLAH ABEID T/A TAMBAZA  
AUCTION MART.....4<sup>TH</sup> RESPONDENT**

Date of Last Order: 23.05.2022  
Date of Ruling: 20.06.2022

**RULING**

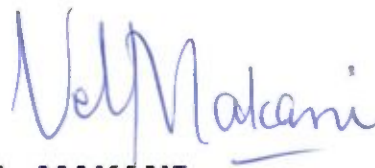
**V.L. MAKANI, J**

This is an application for an order for stay of execution in respect of Land Case No. 166 of 2012 pending the determination of application for restoration of an application for extension of time to review a settlement deed which was dismissed on 02/06/2021 before Hon. S. Kalunde, J).

The application was made under Order XXI Rule 24(1) of the Civil Procedure Code CAP 33 RE 2019 and supported by the joint affidavit of the applicants.

With leave of the court the application was argued by way of written submissions. Mr. Meswin Masinga, Advocate drew and filed submissions on behalf of the applicants; while submissions in reply on behalf of the 1<sup>st</sup> respondent were drawn and filed by Mr. Zuri'el Kazungu, Advocate. The director of the 2<sup>nd</sup> respondent Soud Chamshama did not file any counter-affidavit he conceded to the application. The 3<sup>rd</sup> and the 4<sup>th</sup> respondents did not file their counter-affidavits, so the application proceeded in their absence.

This application solely depended on the outcome of Misc. Application No.270 of 2022 for restoration of the application for extension of time to review a Settlement Deed. And since the said application has been dismissed with costs then this application for stay of execution has no legs to stand on. It is consequently, struck out with no order as to costs. It is so ordered.



**V.L. MAKANI**  
**JUDGE**  
**20/06/2022**