

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

MISC. LAND CASE APPLICATION NO.672 OF 2023

(Arising from Execution Cause No. 84 of 2022)

ALPHONSE KIHWELE..... APPLICANT

VERSUS

**IRENE LAZARO MOLLEL(as Administratrix of the Estate of the late
Prucheria Meitoris Mollel, suing as Attorney Lazaro Lokaji
Mollel).....RESPONDENT**

RULING

Date of Last Order: 24. 10.2023

Date of Judgment: 30.10.2023

MWENEGOHA, J

The applicant sought for the following orders given under Order XXI Rule 27 of the Civil Procedure Code, Cap 33 R.E 2019, that; -

1. This Court be pleased to stay the execution of the Decree in Execution No.84 of 2022 which emanated from Land case No. 132 of 2013, pending the hearing and determination of Application No. 643 of 2023.
2. Costs of the case.
3. Any other relief as the court may deem fit to grant.


The Application was supported by the affidavit of the applicant himself, Alphonse Kihwele and the same was uncontested by the respondent, who prayed for no order as to costs. Although the respondent chose not to

contest this Application, still this Court ordered the applicant to argue his case, to satisfy itself if he has sufficient grounds warranting a stay of execution. He did that, and filed his written submissions through Advocate Boniface Erasto Meli.

After going through the submissions in question, the Court was satisfied that he has sufficient grounds for staying the execution as applied. To save this Court's precious time, I will not reproduce his submissions, as the respondents are not opposing the application. Rather I will go direct to grant the prayers, as this Application was preferred pending a case, vide Misc. Land Case Application No. 643 of 2023, which is pending before this Court.

For the foregoing reasons, I allow the Application with no order as to costs. The Execution No. 84 of 2022 proceedings are hereby stayed, pending the hearing and final determination of Misc. Land Application No. 643 of 2023.

Ordered accordingly.



T.N. Mwenegoha.
Judge
30/10/2023