

TANZANIA / JUDGMENT

20001026 TZCA Arusha

COURT
TZCADECIDED
26 October 2000

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R. IA IN THE COURT 01? pPEXL OF TL.NZ;NIA T RUIHE CIVIL ITLIPLIC'TTO'I NO. 69 OP 1998 In the 1'atter of an Intended ii.ppeal BET4EEN ARUSH INTERNATIOWA.L OONF1RENC1 CNTRfl , .P I T AND EDWII'T wTtILI ST7,PTTO. RESPTDENT (.pplication for Stay of Execution from

- the decision of the High Court of
- Taxizania at rusha) (MrosoJ.)
- dated the 17th day of June, 1998 in Civil Ca seNp199?

RULING

LUGKINGIiJ0: This application for stay of execution does not present much contrersy and, therefore, does not invite much discussio In a judgment delivered on 17June, 1998, the High Court sittig at Arusha declared void the termination Of the respondent's employment by the applicant and awarded the respondent 10m/ as damages for defamation of character as well as arrears of sa 1 ar i e s The applicant lodged a notice of appeal on 22 June and followed it up with this application praying for stay of execution of the decree pending determination of thCfended. appeale . -2- The applicant's main ground, as I see it, is that the applicant stands to suffer irreparable lossif execution proceeds, because the respoiident would not be able to repay the money should the appeal succeed0 Although Mr0 Makange who appeared for the applicant also made reference to the chances of the intended appeal, it was not lost on me that this came as a by the way, inasmuch as it did not feature in the aoplic'ent's affidavits0 It was initially contended by Mr0 Makane that the respondent had no other source of income after termination of his employment but the same learned gentleman had annexed to the applicant's affidavit-in-reply a document suggesting that the respondent was gainfully. employed elsewhere, and réfrred to that document in the cours of his submissions. This prbmpted Mr. Loom-Ojare to submit for the respndent that the applicant would not suffer irreparable lossif stay were refused because the respondent is in a position to repay0 Learned counsel was also concerned that the respondent should not be denied the.benefit of his judgment but for good cause, but and such cause had not been shown in this case0 I must confess that I am not sufficiently assured of the respondent's ability to repay but, at the same time., I note that the applicant is prepped to furnish security to meet the decree should the arpeal fail0 Therefore, in order to ensure that the arplicant does not suffer loss should the appeal succeed, I will grant the aDplication; and in order to assure the

satisfaction of the judgment should the appeal fail, I will predicate the stay on security0 ./.ccordingly, the application is allowed and execution of the decree is stayed 0 0/3 p —3 provided the applicant deposits in court the sum of 10m/= within 30 days from the date hereof0 Costs will be in the cause 0 D.'TLD at RUSIIIf this 2th Y of October, 2000 TI (TT TTT(iTTTTTf'Tfl L\). 0 D oL. 0UUJ1-L_L JUSTICI OF ;PPE2L I certify that this is a true copy of the original (•j. (r'i•.is.) D13JFLTTY_REGISTR:R I I

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Prepared on 14 October 2026 · Esheria