

TANZANIA / JUDGMENT

Walangi Ginaku 222Edited

COURT
TANZLIIDECIDED
11 December 2024

Source: media.tanzlii.org · Research copy typeset by Esheria. Not court-issued or certified.

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA IN THE SUB-REGISTRY OF
MANYARA AT BABATI MISC. LAND APPLICATION NO. 29717 OF 2024 (Arising from
Miscellaneous Application No. 29718 in the High Court of Tanzania Manyara sub-registry at
Babati) WALANGI GINAKU..... APPLICANT VERSUS GIDANYASH
GIDAGWANDU..... 1st RESPONDENT DIAMOND CREDIT RECOVERY CO.
LTD.....2ndRESPONDENT

RULING

23rd & 11th December, 2024. Kahyoza, J. Walangi Ginaku, the applicant, seeking this Court to halt or stay execution of decree of the district land and housing tribunal (the tribunal) pending hearing of revision. The applicant has instituted an application for revision seeking this Court to examine the correctness of the execution proceedings of a decree, which is subject of appeal to the Court of Appeal. Walangi Ginaku was the respondent in land application before the tribunal. He lost the matter. He appealed unsuccessfully to the High Court. The decision of this Court did not amuse him, so he lodged the notice of 1 appeal to the Court of Appeal. According to the applicant's affidavit, the applicant lodged the notice of appeal on 14.6.2023. Walangi Ginaku deposed that he has an arguable case premised on the point that he had already lodged record of appeal to the Court of Appeal. The applicant alleged that he applied for stay of the execution to the Court of Appeal, an application which is still pending. On the date fixed for hearing the applicant enjoyed the services of Mr. Festo, learned advocate whereas the respondents appeared in person. After perusing the documents the Court entertained doubts whether it had jurisdiction to issue an order to stay the execution, when parties had already lodged a notice of appeal to appear to the Court of Appeal. I invited the parties to address me on the matter. Mr Festo, the applicant's advocate submitted that the Court had mandate to issue a temporary order to stay execution as there genesis of this application is the application for revision which is pending before this Court. The respondents who were lay persons had nothing to submit to the issue which is technical one. Indisputably, the applicant and the first respondent has an appeal pending in the Court of Appeal. The applicant filed this application for halting 2 execution pending the hearing of the application for revision. I proponent the ruling and resolved to entertain an application for revision. Having heard the application for revision and dismissed it, this application lacks ground to stand on. Consequently, I strike it out with costs. I order accordingly. Dated at Babati this 11th day of December, 2024. John R. Kahyoza Judge Court:

Ruling delivered in the presence of the applicant and the first respondent. Mr. Shadrack (RMA) present. John R. Kahyoza Judge 11.12.2024 3

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE https://media.tanzlii.org/media/judgment/324457/source_file/1bc5665039e3eaa1/Walangi_Ginaku_222Edited.pdf

CASE PAGE <https://chat.esheria.ai/case-law/tanzania/walangi-ginaku-stayofexecution-tanzlii-2024>

Prepared on 14 October 2026 · Esheria