

**IN THE COURT OF APPEAL OF TANZANIA
AT MWANZA**

CAT CIVIL APPLICATION NO.3 OF 2009

CORAM: MSOFFE, JA, MBAROUK, JA And BWANA, JA

MURAMBA NYAKABIAPPLICANT

VERSUS

JAPANI LUPELE RESPONDENT

**(Application for stay of execution from the Judgment of the High Court
of Tanzania at Mwanza)**

(G.K Rwakibarila, J)

dated the 19th day of February, 2009

in

Civil Appeal No. 34 of 2008

.....

ORDER OF THE COURT

MBAROUK, J.A.:

At the hearing of the application today, Mr. Makenena Ngero, learned advocate for the respondent, informed the Court that he has received an information to the effect that the respondent passed away (has died) on 21st day of February, 2010. He further submitted that the legal representative has yet to be appointed to administer the respondent's estate. For that reason, he urged us to invoke Rule 57(3) of the Tanzania Court of Appeal Rules, 2009 (the Rules) to adjourn the application so as to cause the legal representative of the deceased to be appointed and be made a party in place of the deceased.

On his part, Mr. Stephen Magoiga, learned advocate for the applicant had no objection to Mr. Ngero's prayer.

In the Circumstances, the application is adjourned to a date to be fixed by the Registrar so as to cause the legal representative of the deceased to be

⇒ Application Adjournment as to cause the legal representative of the deceased to be appointed.

appointed and be made a part in place of the deceased as per Rule 57 (3) of the rules. It is so ordered

DATED at MWANZA this 3rd day of May, 2010.

J. H. MSOFFE
JUSTICE OF APPEAL

M. S. MBAROUK
JUSTICE OF APPEAL

S. J. BWANA
JUSTICE OF APPEAL

I certify that this is a true copy of the original.




(J. S. MGETTA)
DEPUTY REGISTRAR