


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

CIVIL APPLICATION NO. 18 OF 2009

(CORAM: KIMARO, J.A., MBAROUK, J.A., And MASSATI, J.A.)

1. AYOUB BENDERA 2. GENEFEVA J. SIZYA 3. WILLIAM KUPPA 4. CHIA MASSONGA 5. OLIVA P. MUDOGO 6. MASSELLE J. BUSHUBUBILI 7. HEMED SHOKO 8. ANITHA LYIMO 9. MARCO G. EMAY 10. AHMAD MMUNI 11. ZULPHA MHINA 12. MONICA MATHEW	APPLICANTS
VERSUS		

**ARUSHA INTERNATIONAL
CONFERENCE CENTRE.....RESPONDENT**

**(Appeal from the decision of the High Court of Tanzania
at Arusha)**

(Sheikh, J.)

**dated the 19th day of December, 2006
in
Civil Appeal No. 8 of 2005**

ORDER OF THE COURT

18th September, 2012

MBAROUK, J.A.:

When the application was called on for hearing, Mr. Ali Mhyellah, learned advocate for the applicants informally prayed

for the withdrawal of the application. This was for the reason that Civil Appeal No. 17 of 2010 to which they were objecting to proceed for hearing has already been determined. Hence Mr. Mhyellah said, there is no need to proceed with the application which has been overtaken by events. He then urged us to invoke Rule 58 (i) of the Court of Appeal Rules, 2009 (the Rules) and grant the withdrawal of the application.

At today's hearing, Mr. Allute Mughwai, learned advocate for the respondent was absent for the reason that his father has died. Mr. Wenceslaus Chuwa, the Administrative Officer of the respondent reported to that extent and had no objection to the prayers for withdrawal of the application.

In the circumstance, we feel it prudent to grant the withdrawal of the application as prayed by the learned advocate for the applicants. In the event, we invoke Rule 58 (1) of the

Rules and grant the withdrawal of the application. No order as to costs.

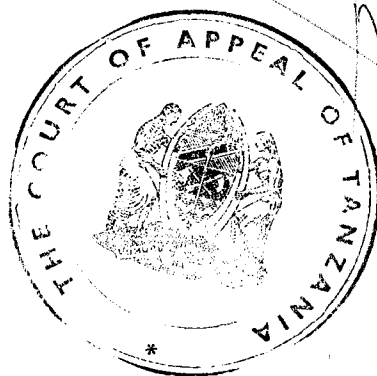
DATED at ARUSHA this 18th day of September, 2012.

N. P. KIMARO
JUSTICE OF APPEAL

M. S. MBAROUK
JUSTICE OF APPEAL

S. A. MASSATI
JUSTICE OF APPEAL

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



M. A. MALEWO
DEPUTY REGISTRAR
COURT OF APPEAL