

IN THE COURT OF APPEAL OF TANZANIA

AT ARUSHA

CIVIL APPLICATION NO. 24. OF 2013

1. **NAUSHAD MOHAMED HUSSEIN** }
2. **MOHAMED RAZA MOHAMED HUSSEIN** } **APPLICANTS**
VERSUS

ARUNABEN CHAGGAM CHHITA MISTRY RESPONDENT

**(Appeal from the Judgment, decree and Order of the High Court of Tanzania
at Arusha)**

(Nyerere, J.)

Dated the 24th day of August, 2012

In

Land Case No. 8 of 2010

RULING

10th & 10th September, 2014

ORIYO, J.A.:

The applicant, through the services of M/S Loomu Ojare and Company Advocates, lodged a Notice of Motion moving the Court for an order of extension of time within which to file additional written submissions in Civil Application No. 11 of 2012 between the same parties.

When the application was brought up for hearing, Mr. Kelvin Kwagilwa, learned counsel, appeared for the applicants and was also holding brief for Dr. Masumbuko Lamwai, learned counsel for the respondent. Mr. Paul Shaidi, learned State Attorney,

appeared for the third and fourth respondents (The Attorney General and the Assistant Registrars of Titles – Moshi).

Mr. Kwagilwa, learned counsel, promptly made a prayer to withdraw the application, in terms of Rule 58(2) of the Court Rules. Mr. Shaidi, learned State Attorney had no objection to the application.


The prayer made by the counsel for the applicants was based on a Consent Agreement by the parties lodged in Court on 3rd September, 2004, under Rule 58(2), (supra). The reason for the withdrawal, as stated in the Consent Agreement is that the application for extension of time to file additional written submissions in Civil Application No. 11 of 2012, has been overtaken by events. The said Civil Application was determined by the Court on 4/12/2013, and a copy of the Ruling is on record, thus this application is rendered superfluous, in the circumstances.

For this reason, the application is meritorious and leave to withdraw the application for extension of time is accordingly granted under Rule 58(3), of the Court Rules. I make no order for costs.

DATED at **ARUSHA** this 10th day of September, 2014.

K.K. ORIYO
JUSTICE OF APPEAL

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


E. Y. MKWIZU
DEPUTY REGISTRAR
COURT OF APPEAL