

IN THE COURT OF APPEAL OF TANZANIA

AT ARUSHA

(CORAM: MJASIRI, J.A., MUSSA, J.A., And JUMA, J.A.)

CIVIL APPEAL NO. 118 OF 2016

HAROLD EMMANUEL MATHAYO MLAY APPELLANT

VERSUS

- | | | |
|---|-----------------|------------|
| 1. HELLEN DANIEL LAUWO..... | 1 ST | RESPONDENT |
| 2. HEDAL GENERAL SUPPLIES CO. LTD | 2 ND | RESPONDENT |
| 3. STANDARD CHARTERED BANK (TANZANIA) LIMITED | 3 RD | RESPONDENT |
| 4. YONO AUCTION MART & COURT BROKERS Ltd | 4 TH | RESPONDENT |
| 5. SILVER PALM KHOTEL TANZANIA LIMITED | 5 TH | RESPONDENT |

(Application from the Ruling and Orders of the High Court of Tanzania at Arusha)

(Massengi, J.)

**Dated 15th day of September, 2015
in
Land Case No. 59 of 2014**

ORDER OF THE COURT

JUMA, J.A.:

When this appeal came up for hearing today, the appellant appeared in person, his learned counsel, Mr. Wilson Jacob Mallya having earlier written a letter to withdraw his representation of the appellant in this appeal.

After a brief interaction with the Court over the mandatory requirement of prior leave of the High Court, which is missing out in this

appeal, the appellant prayed for withdrawal. He explained that the withdrawal of his appeal will enable him to come back to the Court with a properly constituted record of appeal.

Mr. Nicholas Munuo, the learned counsel who appeared for the first and second respondents, supported the prayer for withdrawal.

The prayer for withdrawal had the full support of Mr. Edwin Lyaro learned counsel for third and fourth respondents who also did not press for costs.

On his part, Mr. Gwakisa Sambo learned counsel who appeared together with Mr. Ipanga Kimmaay, for the fifth respondent, had no objection.

On our part, we think the best interests of justice will be served if the prayer for withdrawal is granted. This appeal is as a result marked withdrawn under Rule 4 (2) (a) of the Court of Appeal Rules, 2009. There shall be no order as to costs.

DATED at **ARUSHA** this 18th day of October, 2016.

S. MJASIRI
JUSTICE OF APPEAL

K. M. MUSSA
JUSTICE OF APPEAL

I. H. JUMA
JUSTICE OF APPEAL

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




B. R. NYAKI
DEPUTY REGISTRAR
COURT OF APPEAL