

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

**(CORAM: MBAROUK, J.A., LUANDA, J.A., And MZIRAY, J.A.)**

**CIVIL APPLICATION NO. 22 OF 2015**

**GENERAL MANAGER WESTERN ZONE  
TOBACCO GROWERS COOPERATIVE UNION..... APPLICANT**

**VERSUS**

**JAMES SHIJA..... RESPONDENT**

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

**(Nchimbi, J.)**

**dated the 17<sup>th</sup> day of October, 2014**

**in**

**Criminal Appeal No. 132 of 2013**

.....

**RULING OF THE COURT**

**MZIRAY, J.A.:**

This application is fixed for hearing this morning. The applicant is represented by Mr. Mugaya Mtaki learned counsel and the respondent is present in person, unrepresented.

When the application was called on for hearing Mr. Mtaki informed the Court that upon going through the application he has discovered that he cited a wrong provision of the law as he was supposed to cite Rule 89(2) of the Court of Appeal Rules, 2009 as the enabling provision of law. In view of that he prayed

to strike the application with no order as to costs, taking in to consideration that the respondent did not incur expenses to file any document and on top of that he is a resident within the Tabora Municipality.

On the part of the respondent he did not have any objection to the prayer made.

On our part we agree to what has been submitted by Mr. Mtaki and we find that indeed there is a wrong citation of the enabling provision of law. In the circumstance this application is struck out with no order as to costs.


**DATED at TABORA** this 24<sup>th</sup> day of October, 2016.

M.S. MBAROUK  
**JUSTICE OF APPEAL**

B. M. LUANDA  
**JUSTICE OF APPEAL**

R.E.S. MZIRAY  
**JUSTICE OF APPEAL**

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

  
E.F. FUSSI  
**DEPUTY REGISTRAR**  
**COURT OF APPEAL**