

IN THE COURT OF APPEAL OF TANZANIA

AT ARUSHA

(CORAM: MWANGESI, J.A., NDIKA, J.A., AND KITUSI, J.A.)

CIVIL APPEAL NO. 3 OF 2017

NAINI NCHACHA APPELLANT

VERSUS

1. NGASOMI LESHAI NDITIKA
2. TARETO LESHAI NDITIKA
3. ELIAMANI MAX NDITIKA
4. KIWANI LESHAI NDITIKA

..... RESPONDENTS

(Appeal from the decision of the High Court of Tanzania
at Moshi)

(Sumari, J.)

dated the 17th day of November, 2015

in

Land Case No. 4 of 2011

ORDER OF THE COURT

NDIKA, J.A.:

At the hearing of the appeal, Mr. Martin Kirasala, learned counsel, held brief for Mrs. Elizabeth Minde, learned advocate for the appellant. There was no appearance on the part of the respondents despite being served with the notice of the hearing on 8th February, 2019 through their advocate, Mr. David Shilatu.

Nonetheless, before the hearing proceeded, Mr. Kirasala prayed for the withdrawal of the appeal under Rule 102 (1) of the Tanzania Court of Appeal

Rules, 2009 (the Rules) as amended any G.N. No. 362 of 2017 without any order as to costs.

On our part, we accede to the appellant's prayer and, accordingly, mark the appeal withdrawn under Rule 102 (1) of the Rules. We make no order as to costs.

It is so ordered.

DATED at ARUSHA this 9th day of April, 2019.

S.S. MWANGESI
JUSTICE OF APPEAL

G.A.M. NDIKA
JUSTICE OF APPEAL

I.P. KITUSI
JUSTICE OF APPEAL

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

E.F. FUSSI
DEPUTY REGISTRAR
COURT OF APPEAL

