

**IN THE HIGH COURT OF TANZANIA
(LAND DIVISION)**

AT DAR ES SALAAM

LAND CASE NO. 242 OF 2006

CHARLES MOSESPLAINTIFF

VERSUS

**PRINCIPAL SECRETARY MINISTRY OF
EDUCATION VOCATION TRAINING 1ST DEFENDANT
ATTORNEY GENERAL2ND DEFENDANT**

R U L I N G

A.F. Ngwala,J.

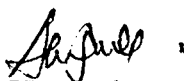
On 21/05/2009 the Plaintiff, through the services of Mr. Masaka, learned advocate made and oral application that this suit be withdrawn with liberty to file a fresh suit. The reason for withdraw being that there are some defeats on the Plaint which can be cured by way of filing a fresh suit.

Because there were Preliminary Objections against the Plaintiff's suit this court made a finding that it would deal with the Preliminary Objections before entertaining the application for withdrawal.

Before necessary orders could be made the parties have never entered appearance to the Court. The case has been adjourned several times and the parties have not shown reasons for non-appearance. For avoidance of doubt, the 1st and 3rd Defendants raised their Preliminary Objection on Point of Law that the Plaintiff

has no cause of action against the 1st and 3rd Defendants. They also raised an Objection that the Amended Complaint filed in Court meant to pre-empt the Preliminary Objections. The second Defendant raised his Preliminary Objection that the suit is time barred.

Before the Court could hear the Preliminary Objections the parties ceased to appear in Court. What the Court can now do is to expunge this suit from court records. With no intention to dismiss the suit. Accordingly, I struck out the same with costs.


A.F. Ngwala,
JUDGE,
27/11/2012.

Delivered in Court this 27th day of November, 2012

A.F. Ngwala,
JUDGE,
27/11/2012.

27/11/2012.

Coram : A.F. Ngwala, J.
For Plaintiff : Absent
For Defendant : Absent

Court: Parties to be notified.

**A.F. Ngwala,
JUDGE,
27/11/2012.**