

IN THE HIGH COURT OF TANZANIA
DAR ES SALAAM DISTRICT REGISTRY
AT DAR ES SALAAM
MISC. LAND APPLICATION NO. 93 OF 2018
(Origin; Misc. Civil Application No. 72 of 2018)

JACQUELINE MALEKO.....APPLICANT

VERSUS

FLORENCE MAGINGI.....1ST RESPONDENT

DIRECTOR, KINONDONI

MUNICIPAL COUNCIL.....2ND RESPONDENT

COMMISSIONER FOR LANDS.....3RD RESPONDENT

ATTORNEY GENERAL.....4TH RESPONDENT

RULING

08/10 & 08/10/2019

S.M. KULITA, J.

Counsel for the Applicant Mr. Mussa Kyobya prays to withdraw this application with no order as to costs as he has noted that the Misc. Amendment Act no. 3 of 2018 amended the Land Dispute Act [Cap 216 RE 2002] by removing the requirement of seeking leave of the High Court for appealing against the land cases originating from the High Court. On the other hands Advocates for Respondents namely Veleno Clemence, Salehe Mohamed and Lilian Machage had no objection with the prayer. Actually that is a position of the law as per the Misc. Amendment Act no. 3 of 2018

which amended S. 47 of the Land Dispute Court Act [Cap 216 RE 2002] by adding subsection (1) directs that in order to appeal to the Court of Appeal for the land cases whose origin is the High Court there is no need of seeking leave of the High Court. This is also a position of the law in **REBECA WEGESA ISSACK V. TABU MSIGANA & ANOTHER, Civil Appl. No. 444/08 of 2017 (CAT) at Mwanza.**

As the Applicant's Advocate prays to withdraw this matter for that reason with no order as to costs and the fact that the Respondents' Counsels do not object the said prayer, the application is hereby marked withdrawn with no order as to costs.



S.M. Kulita

JUDGE

08/10/2019