

**IN THE HIGH COURT OF THE UNITED REPUBLIC TANZANIA**

**(DAR ES SALAAM DISTRICT REGISTRY)**

**AT DAR ES SALAAM**

**MISC CIVIL APPLICATION 202 OF 2020**

[Original Revision Application No....and Application for Execution No. 24 of 2019]

**TANZANIA BUILDING WORKS LTD.....APPLICANT**

**VERSUS**

**KAMAKA COMPANY LTD.....RESPONDENT**

**RULING**

*Date of last order 07/05/2020*

*Date of Ruling 12/5/2020*

**EBRAHIM, J.**

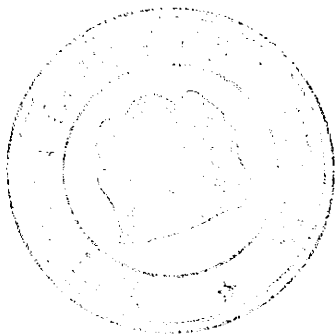
Before we could proceed with the hearing of the preliminary objection, counsel for the applicant prayed for the court to take notice that the subject matter for the prayer of stay of execution has already been overtaken by event. Execution took place. However, they are proceeding with the main application pending before Hon. Kulita, J. Hence the application be known to have been overtaken by event.

Counsel for the respondent has no objection with the fact that the matter should be taken off, he pressed for costs stating that the respondent incurred costs and exerted time for research. Thus court should exercise its discretion judiciously.

Counsel for the applicant rejoined that being an interim application, costs should await final outcome.

Indeed, since the application has already been overtaken by event as execution has already taken place, I accordingly order the application to be struck – off the register as it serves no intended purposes serves for academic exercise.

As for the costs, it is true that the matter was an interim application, and the main application is still pending in the same jurisdiction. Accordingly I struck off the application with an order that costs shall follow the main event.



A handwritten signature in black ink, appearing to read "R. A. Ebrahim", is written over the printed name.

**R. A. Ebrahim**

**JUDGE**

**12/05/2020**