

IN THE HIGH COURT OF TANZANIA

IN THE DISTRICT REGISTRY

AT MWANZA

MISC. LAND APPLICATION NO. 200 OF 2019

(Arising from the Civil Case No. 26 of 2018)

JIN FENG ZHU.....APPLICANT

VERSUS

NEEMA OMBENI MUSHI

@ NEEMA ELIPENDA URASSA & 4 OTHERSRESPONDENT

RULING

When the application for amendment of the written statement of defence (WSD) was called on today for hearing, Messrs C. Mutalemwa and Erick Kahangwa, learned counsel for Neema Ombeni Mushi @ Neema Elipenda Urassa (the 1st respondent) and Ombeni Wangaeli Mushi (the 3rd respondent) respectively readily conceded and, very considerably they asked for no costs pursuant to the court order appearance of the 2nd, 4th and 5th respondent having been dispensed with. Mr. Anwal Katakweba learned counsel appeared for JIN FENG ZHU in a nutshell having had submitted that the intended amendment would introduce no new cause of action but just enable the court to easily determine the real question in controversy between the parties (as per provisions of Orders VI Rule 17 and XLIII (2) of the Civil Procedure Code Cap 33 RE. 2019 also the rule in the cases of **Kahama Oil Mills Limited V. Wimbe Consult Limited**,

Misc. Civil Application No. 19 of 2019 and **George M. Shambwe V. AG and Another** (1996) TLR 334 (CA).

The application is granted. The applicant to file amended WSD on or by 25/11/2020. The amendment shall be only limited to areas herein canvassed by the learned counsel. Each party shall bear their costs.




S. M. RUMANYIKA

JUDGE

11/11/2020