

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

**(IN THE DISTRICT REGISTRY OF KIGOMA)**

**AT KIGOMA**

**MISC. LAND APPLICATION NO. 10 OF 2022**

(Arising from Land Appeal No. 165/2016 of the District Land and Housing Tribunal  
Kigoma and Originated Land Application 2 of 2014 of the Kalinzi Ward Tribunal)

**DANFORD SABUYE.....APPELLANT**

**VERSUS**

**MESHACK HUGWA.....RESPONDENT**

**RULING**

13/6/2022 & 12/7/2022

**F.K. MANYANDA**

Upon hearing the Counsel for Applicant praying to withdraw the application for been overtaken by events and that the Respondent's Counsel does not object to the withdrawal.

This Court therefore finds that the withdrawal is uncontested it is hereby granted **I do hereby mark the application as withdrawn accordingly.**



However as to costs, the Respondent Counsel prays for the same be awarded. On grounds that they have incurred costs and costs in defending the application.

The Counsel for the Applicant prays for waiver of costs because they have readily withdrawn the application before going to hearing, therefore costs have been avoided and moreover, both parties have incurred costs.

In law, costs follow the events in suits unless, for reasons to be stated, the same are waived.

In the circumstances of this matter, the Applicant filed this application with full knowledge of the consequences of the case that it includes costs.

The reason given for waiver is that the application has been readily withdrawn and that there may follow other litigations and that both parties have incurred costs.

In my view, I don't think this is a good ground for denying the Respondents costs. There has been no cogent reasons advanced by the Applicant to lead to waive of costs.

In the result, **I do hereby grant costs to the Respondent, the same to be paid by the Applicant.** Order accordingly.



  
**F.K. Manyanda**

**Judge**

**12/7/2022**