

**IN THE HIGH COURT OF TANZANIA
(MWANZA DISTRICT REGISTRY)**

AT MWANZA

LAND REVIEW NO. 02 OF 2021

(Arising from the decision of the High Court of Tanzania Misc. Land Application No. 38 of 2021)

**LWEMPISI GENERAL COMPANY LTD.....1ST APPLICANT
CHARLES KAHATANO LWEMPISI.....2ND APPLICANT
MUGANYIZI TIBARUNGI RUGAKO.....3RD APPLICANT
ESTHER CHARLES JOSEPH4TH APPLICANT**

VERSUS

RICHARD JOSEPH KWEYAMBA RUGALABAMU..... RESPONDENT

RULING

19th July, 2022

DYANSOBERA, J.:

The applicants herein filed an application by way of a memorandum of review seeking to review the decision of this court in Misc. Land Application No. 38 of 2021 on the grounds set out in the memorandum of Review filed on 30th August, 2021. The respondent resisted the application.

Today when this application was called for hearing learned Advocate for the applicants Mr. Abdallah Kessy prayed to withdraw it as the main cause upon which the application was pegged has been learned and finally determined he prays for withdrawal of it with no order as to costs.

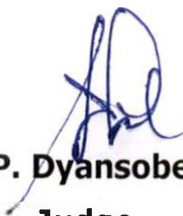
Mr. Maduhu on his part does not contest the applicant's intention of withdrawing the application but prays the respondent to be awarded costs.

I have taken into account the submissions of learned counsel. Since the prayer to withdraw this application has not been objected to and there is no way this application can be heard as the law would not allow such a course, the prayer is granted and this Application Land Review No. 02 of 2021 is marked withdrawn. With regard to costs, I think each party should bear his own costs taking into account that there is no negligence alleged to have been existed on part of the applicants.

For that reason, the application is marked withdrawn with no order as to costs.

Order accordingly.




W.P. Dyansobera
Judge
19.07.2022