

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
IN THE DISTRICT REGISTRY OF SHINYANGA  
AT SHINYANGA**

**MISC. CIVIL APPEAL No. 38 OF 2020  
(Arising from the Civil Case No. 1 of 2021 of the District Court of  
Maswa.)**

**PASTORY PAULO JAJA.....APPELLANT**

**VERSUS**

**BAHAME PETRO.....1<sup>st</sup> RESPONDENT**

**AMOS BUJAGA SHINGU.....2<sup>ND</sup> RESPONDENT**

**RULING**

*27<sup>th</sup> May 2022*

**MKWIZU,J**

This is an appeal emanating from Civil Suit No 1 of 2021 against the two respondents claiming for the return of 25 heads of cattle attached in an execution proceeding in Misc. Civil Application No 8 of 2020. The After the rejection of his objection proceedings Appellant opted to exercise his right to file a suit to establish his rights over the said cattle. His suit was unfortunately dismissed for being time bared. Hence this appeal.

When the matter came for mention today, parties informed the court that they have settled their dispute amicably out of court. The appellant prayer for the withdrawal of the appeal with no orders as to costs was seconded by the Respondents.

Given the circumstances, this court have no option but to grant the prayer. Civil appeal No 38 of 2021 is hereby marked with drawn with no order as

DATED at Shinyanga this 27<sup>th</sup> day of MAY 2022.

*E.Y. Mkwizu*  
**E.Y. MKWIZU**

**JUDGE**

**27/5/2022**

