

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(DAR ES SALAAM DISTRICT REGISTRY)

AT DAR ES SALAAM

MISC. CIVIL APPLICATION NO. 158 OF 2022

(Originating from Probate and Administration Cause No. 77 of 2020 of the High Court of Tanzania, Dar es Salaam District Registry, at Dar es Salaam dated on 17th November, 2020 before Hon. L.M. Macha, J.)

GEOFREY MWANJOKA.....APPLICANT

VERSUS

**JEREMIAH GEOFREY MWANJOKA (As Administrator
Of the Estate of the Late JOYCE STANLEY SICHONE).....RESPONDENT**

RULING

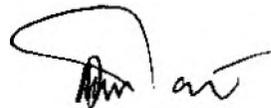
MRUMA, J.

Prayer to withdraw the Application is rejected. As the Respondent has successfully raised a preliminary objection, permitting the Applicant to withdraw his application, will amount to pre-empting the preliminary objection. The appropriate remedy in a circumstance like this is to strike out the application.

Regarding costs, taking into account the fact that this matter is between a father and his son who are battling on two different status that is to say, a father fighting for what he considers to be his rights in the

estate of his former wife, and a son fighting for what he considers to be his right over the estate of his mother, I would think that awarding costs would simply escalate their differences and free hatred between a father and his sons, accordingly I order that each party should bear own costs.

In summary therefore it is ordered that Miscellaneous Civil Application No. 158 of 2022 be struck out with no orders as to costs.



A. R. Mruma

Judge

31/8/2022