

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF SHINYANGA
AT SHINYANGA
LAND CASE NO. 01 OF 2021**

EMMANUEL EZEKIEL..... APPLICANT

VERSUS

- 1. ROBERT K. LWAMUZIGI.....1ST RESPONDENT**
- 2. KENEDY ELIAS LALI.....2ND RESPONDENT**
- 3. BARIADI DISTRICT COUNCIL.....3RD RESPONDENT**
- 4. THE SOLICITOR GENERAL.....4TH RESPONDENT**
- 5. THE ATTORNEY GENERAL.....5TH RESPONDENT**

RULING

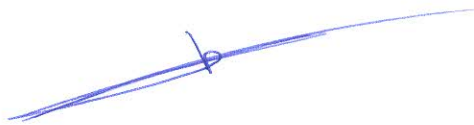
7th March, 2022

MATUMA, J.:

The plaintiff sued the 1st and 2nd Defendants in the District land and Housing Tribunal for Maswa vide Land Application No. 103 of 2018.

He however, on the 20/4/2020 prayed to withdraw such suit so that to join the 3rd, 4th and 5th defendants herein by operation of the law which would necessitate him to file his case in this court.

It transpires however that in allowing the prayer to withdraw the suit the tribunal condemned him the costs to the Respondents. Such order aggrieved him but he could not appeal timely which necessitated him to lodge Misc. Land Application No. 6/2021 which has been granted today. In the circumstances the plaintiff prays to withdraw this suit with leave to refile.



The present defendants have no objection. To avoid multiplicity of suits in court in respect of the same persons, I allow the prayer and mark this suit as being withdrawn with leave to refile; subject to the results of the intended appeal by the plaintiff to be filed within fourteen days from today as determined in Misc. land Application No. 6 of 2021 supra. No orders as to costs.

It is so ordered.




A. MATUMA
JUDGE
07/3/2022