

**IN THE HIGH COURT OF TANZANIA
IN THE SUB-REGISTRY OF MWANZA
AT MWANZA**

MISC. LAND APPLICATION CASE NO. 60 OF 2021

*(Application arising from High Court of the United Republic of Tanzania at Mwanza,
Land Case No. 12 of 2021)*

JINANAI DUKA.....APPLICANT

VERSUS

- 1. MISANA JINANAI 1ST RESPONDENT**
- 2. FRANCISCO SHATA 2ND RESPONDENT**
- 3. BONIPHACE RAPHAEL.....3RD RESPONDENT**
- 4. WILLIAM STANLAUS.....4TH RESPONDENT**
- 5. OSCAR WATSON.....5TH RESPONDENT**
- 6. JOSEPH BAHATI KITYEGE.....6TH RESPONDENT**
- 7. ALICIA WENDELIN.....7TH RESPONDENT**
- 8. CHARLES MALABA.....8TH RESPONDENT**
- 9. NGANGA MISANA.....9TH RESPONDENT**
- 10. ARON TITO.....10TH RESPONDENT**
- 11. PETER ELTON.....11TH RESPONDENT**
- 12. KUSEKWA MERICK.....12TH RESPONDENT**
- 13. MONICA JOHN.....13TH RESPONDENT**
- 14. WILLE ATHANAS.....14TH RESPONDENT**
- 15. DIDA MANUMBU.....15TH RESPONDENT**
- 16. ANGELINA MASAMAKI.....16TH RESPONDENT**
- 17. LIGWA JUSTINE@MSAJIWA..... 17TH RESPONDENT**
- 18. GEORGE NTULILA.....18TH RESPONDENT**
- 19. BUPAMA VILLAGE COUNCIL.....19TH RESPONDENT**
- 20. KWIMBA DISTRICT COUNCIL EXECUTIVE DIRECTOR.....20TH
RESPONDENT**
- 21. THE ATTORNEY GENERAL.....21ST RESPONDENT**
- 22. THE SOLICITOR GENERAL.....22ND RESPONDENT**

RULING

31ST MAY, 2022

W.P. DYANSOBERA, J.:

The applicant Jinani Duka has filed this application before this court seeking an interim order restraining the 1st to 19th respondents, their authorized agents, or any person(s) working under their instruction from among other things, wasting, selling, re-allocating, alienating, cutting trees, cultivating or building houses on the suit lang pending the hearing and final determination of Land case No. 12 of 2021.

The applicant is also praying for costs and any other reliefs. The application has been resisted through counter affidavit filed by the respondents.

On 25/10/2021 when the application came up for hearing, the applicant defaulted appearance. The application was set for hearing on 07/12/2021. On that date the applicant was absent but with notice. The case was scheduled for hearing on 10/03/2022 then on 31/05/2022.

Today i.e. 31/05/2022 neither the applicant nor his advocate is present, There is no notice. Ms. Sabina Yongo, learned State Attorney representing the 21st and 22nd respondent has preyed that this application be dismissed for want of prosecution.

I agree, The conduct exhibited by the applicant and his counsel of defaulting appearance without notice conveys no any explanation other than that the applicant has lost interest in prosecuting his application

That, being the case, the prayer by learned state Attorney for the 21st and 22nd respondents are granted and this application is dismissed for want of prosecution.

The respondents are awarded costs.




W. P. Dyansobera
Judge
31/05/2022

Ruling delivered this 31st day of May, in the presence of the 2nd, 4th, 6th, 7th, and 10th respondents and in the presence of Mr. Mwita Mussa Mwita, learned State Attorney for the 19th and 20th respondents and Ms. Sabrina Yongo, learned State Attorney for the 21st and 22nd respondents.




W. P. Dyansobera
Judge
31/05/2022