

**IN THE HIGH COURT OF TANZANIA
IN THE DISTRICT REGISTRY OF DODOMA
AT DODOMA**

MISC. CIVIL APPLICATION NO. 17 OF 2022

**JOSHUA STEPHEN KUWAYAWAYA.....APPLICANT
VERSUS
LUCRESIA HURBERT LYIMORESPONDENT**

(Arising from the decision of Dodoma District Court–Katemana, SRM)

Dated 24th day of April, 2022

In

Probate Cause No. 163 of 2021

RULING

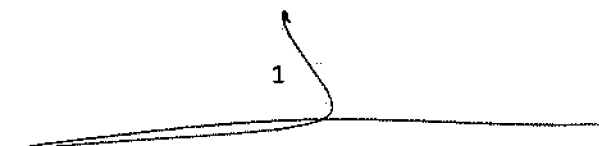
20th February, 2023

MDEMU, J.:

Probate Cause No. 163 of 2021 was filed in District Court of Dodoma for grant of letters of administration to one Lucretia Hurbert Lyimo in respect of the estate of the Late Kuwayawaya Stephen Kuwayawaya.

On 27th of April, 2022, the Respondent prayed to withdraw the application for what she called as to have discussion among family members on the administration of the estate. The Court granted such orders. Following that, the Applicant herein moved this Court on revision. The basis is one that, the District Court of Dodoma was not supposed to grant orders of withdraw of the Probate Cause while there was a caveat lodged by him (the Applicant).

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Today, the Applicant, through his Advocate one Grace Berne, decided to withdraw his application for revision as whether or not the application is granted, there is no probate cause in any Court of Law.

I have heard the parties. As said by the Applicant, there is no any probate cause in any Court of law following withdraw of Probate Cause No. 163 of 2021 in the District Court of Dodoma. That said, whether or not this Court hears the parties on this revision and grant or otherwise the orders sought for, there is no any matter pending which the District Court may entertain. The application is thus granted and consequently is hereby marked withdrawn. Each part to bear own costs.

It is so ordered.



Gerson J. Mdemu
JUDGE
20/02/2023

DATED at DODOMA this 20th day of February, 2023.



Gerson J. Mdemu
JUDGE
20/02/2023