

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF
TANZANIA
(COMMERCIAL DIVISION)
AT DAR-ES-SALAAM**

MISC.COMMERCIAL APPLICATION NO.43 OF 2022
(Arising from Commercial Case No.117 of 2016)

ALOYCE KISSENGA MCHILI.....APPLICANT

VERSUS

ERICK KUNEZA RUTAKONYA1ST RESPONDENT

BEST MICROFINANCE SOLUTION LTD.....2ND RESPONDENT

GEOFFREY WILLIAM MALAMIA.....3RD RESPONDENT

VERONICA ALOYCE KISSENGA.....4TH RESPONDENT

REDMNA GINWAS HAMAY.....5TH RESPONDENT

Date of the Last order: 04/08/2022
Delivery of the Ruling: 15/09/2022

ORDER

NANGELA, J.,:

The Applicant herein has approached this Court by way of a chamber summons supported with an affidavit. The chamber summons was brought under section 11(1) of the Appellate Jurisdiction Act, Cap.141 [R.E 2019]. In her chamber application the Applicant is seeking for the following orders:

1. That, this Court be pleased to grant the Applicant extension of time within which to file a Notice of Intention to Appeal to the Court of Appeal of Tanzania against the decision of the

High Court of Tanzania (Commercial Division) at Dar-es- Salaam, (Hon. Songoro, J.), dated 9th March 2018 in the Commercial Case No.117 of 2016 between **Erick Kuneza Rutakonya vs. Best Microfinance Solution Limited and 4Others.**

2. Costs of this Application be in the cause.
3. Any other relief as the Court may deem fit and just to grant.

The 1st Respondent filed a counter affidavit to contest the application. The rest of Respondents did not file counter affidavits. Apart from filing his counter affidavit, the 1st Respondent did as well file a Notice of Preliminary Objection.

On the 15th day of September 2022, the parties appeared for a ruling of this Court. Ms Bertha Bihombo, learned advocate appeared for the Applicant while Mr Francis Makota, learned advocate as well, appeared for the 1st Respondent. The 2nd, 3rd, 4th and 5th Respondents were absent, unrepresented.

On the material date, this Court issued a ruling on the preliminary objections, dismissing the objections with Costs and ordered the parties to proceed with the hearing of the application on merit.

Following the ruling of the Court, Ms Bihombo prayed to withdraw the application from the Court. Mr Makoto did not object and did not pray for costs. Since the Applicant's counsel has prayed for the withdrawal of this Misc. Commercial Application No.43 of 2022 from this Court, and given that, no prayer for costs was made by Mr Makota, this Court hereby grant the prayer of withdrawal and proceeds to make the following orders:

1. That, this Misc. Commercial Application No.43 of 2022 application is hereby marked withdrawn from this Court at the instance of the Applicant.
2. The withdrawal is with no orders as to costs.

It is so ordered.

DATED AT DAR ES SALAAM ON THIS 15TH DAY OF
SEPTEMBER, 2022



.....
HON. DEO JOHN NANGELA
JUDGE