

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF
TANZANIA
(COMMERCIAL DIVISION)
AT DAR ES SALAAM
COMMERCIAL REFERENCE NO. 04 OF 2023
(Arising from Misc. Comm. Cause No.31 of 2022)**

KIRIBO LTD.....PETITIONER

VERSUS

KANU EQUIPMENT TANZANIA LTD.....RESPONDENT

RULING

Date of Ruling: 27/03/2023

NANGELA, J.

This is an application brought as reference under Regulation 63(1) (a), (b), (c), and (d) of the Arbitration (Rules of Procedure) Regulations, 2021.

When the parties appeared before me on the date of mention, i.e., 27/3/2023, Mr. Julius Nkiryia, the learned advocate appearing for the Petitioner (Applicant) prayed to have it marked withdrawn from the Court with an order for leave to refile it.

Mr. Stephen Mosha, learned advocate for the Respondent, did not oppose the prayer for the withdrawal of this application from the Court. However, he challenged the prayer of an order for leave to refile it.

Upon reflection, it is my view that, the prayer to have this application withdrawn from the Court has no problem. However, that I should also proceed to make an order that leave is granted to have it refiled, that I cannot grant. Refiling this matter or not re-filing it are matters left to the liberty of the Applicant/Petitioner.

As such, while I grant the prayer to have this application marked withdrawn from this Court, I shall only end there. In view of that, this Court settles for the following orders:

1. That, the present application is hereby marked withdrawn from this Court at the instance of the Applicant.
2. No Orders as to costs.

It is so ordered.

DATED at DAR-ES-SALAAM, this 27th March 2023



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DEO JOHN NANGELA
JUDGE
