

IN THE HIGH COURT OF TANZANIA

(LAND DIVISION)

AT DAR ES SALAAM

MISC.LAND CASE APPLICATION NO. 260 OF 2021

SALMA KIMAROAPPLICANT

VERSUS

NASSORO OMARI SANZE.....RESPONDENT

ORDER

18/5/2022

Coram: Hon. B.S. MASOUD, J

For the Appellant: Ms. Theresia Fabian, Advocate (lead) ass by
Ms.Gloria Kilaw, Advocate

For the Respondent: Mr. Alphonse Nachimpyangu, Advocate

RMA: Christina

Ms. Fabian: The matter is for mention.

We however pray to withdraw the matter, having noted that the application was not properly before the court. The application was filed by another Advocate. We subsequently inherited the matter. In the circumstances, we pray to withdraw the matter with leave to refile. We pray that there should be no order as to costs in the circumstances. That's all.

Sgd. B.S. MASOUD

JUDGE

18/5/2022

Mr. Nachimpyangu: No objection as to withdrawal considering that the application was brought under wrong provision.

We press for costs as my clients incurred costs.

Sgd. B.S. MASOUD

JUDGE

18/5/2022

Ms. Fabian: As to costs, we pray the same should not be granted as the application was filed by another Advocate and the concern was raised by the court. That's all.

Sgd. B.S. MASOUD

JUDGE

18/5/2022

COURT: In the circumstances, I hereby enter the following order.

Sgd. B.S. MASOUD

JUDGE

18/5/2022

ORDER:

- i. The matter is marked withdrawn with leave to refile subject to operation of law of Limitation.
- ii. Considering the stage at which the withdrawal of the matter is sought, and steps taken, I award costs.

B.S. Masoud
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JUDGE
18/5/2022

