

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

SUMBAWANGA DISTRICT REGISTRY

AT SUMBAWANGA

MISC LAND APPLICATION NO. 13 OF 2022

MFAUME KABANGALALA MASANGWE 1ST APPLICANT
JIPONDYA S. KADAMA 2ND APPLICANT
ALPHONCE LUGUTU MASALU 3RD APPLICANT
HAMISI S. KILUNDA 4TH APPLICANT

VERSUS

DISTRICT EXECUTIVE DIRECTOR OF
TANGANYIKA DISTRICT COUNCIL (MPANDA DC) 1ST RESPONDENT
DISTRICT COMMISSIONER OF
TANGANYIKA DISTRICT 2ND RESPONDENT
THE ATTORNEY GENERAL 3RD RESPONDENT

RULING

14/12/2022 & 26/01/2023

MWENEMPAZI, J.

The applicants prayed to withdraw the application on the 14th day of December, 2022 on the reasons that the application has been overtaken by events. The Respondents have showed that they do not object and they pray to be awarded costs as they had incurred in the process of defending the application. On the applicant's part they are praying that they showed

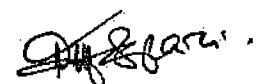


not be ordered to pay cost as they did not cause delay of the application was not caused by the applicant thus they are praying cost to be waived.

In this application the applicants prayed for an interim order to restrain the respondents from evicting applicants in the suit land. At the time of filing they had issued a notice of intention to sue and they had not yet acquired qualification/right to sue, as the respondent is the Government. The case was filed under the certificate of urgency. The application was filed on the 4th August, 2022. It was scheduled for first hearing before Honorable J.F. Nkwabi, trial Judge on 15th August, 2022 parties appeared and they agreed to proceed by way of written submission. The matter was scheduled to come for mention on 06/10/2022 to see if a scheduling order has been complied. At the time, the first trial judge had been transferred to another station and the matter had to be re assigned. That is when I came in.

The circumstances as I see, both parties were not responsible for delay but the changes which happened in the judiciary. Fairness would demand that each party bear his own cost which view I hold and order.

Thus the application is therefore marked withdrawn with no order as to costs.



It is ordered accordingly.



T.M. Mwenempazi
T.M. MWENEMPAZI

JUDGE

26/01/2023