

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

LAND CASE NO. 250 OF 2022

FATUMA HAMISI SULTANI.....PLAINTIFF

VERSUS

TANZANIA COMMERCIAL BANK PLC.....1ST DEFENDANT

JUMANNE ABEID IFANDA.....2ND DEFENDANT

ESTHER ALPHONCE MAHENDE.....3RD DEFENDANT

ESTHER HARDWARE & GENERAL SUPPLIES.....4TH DEFENDANT

THE ATTORNEY GENERAL.....5TH DEFENDANT

Date of last Order: 22/03/2023

Date of Ruling: 22/03/2023

RULING

I. ARUFANI, J

This ruling is for the prayer made to the court by the counsel for the first and fifth defendants that the plaintiffs suit be dismissed pursuant to order VIII Rule 29 (a) of the Civil Procedure Code, Cap 33 R. E 2019 because the plaintiff caused the mediation to fail to be conducted. The said prayer was supported by the second defendant.

First of all I have found proper to state at this juncture that, this matter was before Hon. V. L. Makani, J but as is about to retire from her employment, the file was reassigned to me to continue from where the matter has reached. The court has found the record of the matter shows

the parties were ordered to go for mediation but as the plaintiff failed to appear in the mediation, the mediator ordered the case file to be remit to the trial judge for necessary orders.

As the record of the matter shows, the plaintiff failed to attend the mediation on several occasions and caused the mediation to fail to be conducted and as to day the plaintiff is not present before the court to tell the court what cause her to fail to attend the mediation, the court has failed to see any reason which can make it to refuse to grant the prayer made by the state Attorney who is representing the first and fifth defendants in the matter. The prayer which was also supported by the second defendant.

In the premises the prayer made to the court by Mr. Epafro Mwego, learned State Attorney who is representing the first and fifth defendants in the matter is granted. The plaintiff's suit is accordingly dismissed pursuant to Order VIII Rule 29 (a) of the Civil Procedure Code, Cap 33 R. E. 2019 and the costs to follow the event. It is so ordered.

Dated at Dar es Salaam this 22nd day of March, 2023



I. Arufani

JUDGE

22/03/2023

Court:

Ruling delivered today 22nd day of March, 2023 in the presence of Mr. Epafro Mwego, learned State Attorney for the first and fifth defendants, in the presence of the second defendant and in the absence of the rest of the parties.



I. Arufani

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JUDGE

22/03/2023