

TANZANIA / JUDGMENT

Misc

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TANZLIIDECIDED
18 October 2024

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA (LAND DIVISION) AT DAR ES SALAAM MISC. LAND APPLICATION NO 26638 OF 2024 ROBERT CHARLES OTEYO [As Administrator of the Estate of the Late CHARLES MOSES ABULWA, the deceased]..... APPLICANT/DEBTOR VERSUS ABDIRAHAMAN MOHAMED MUSSA1st RESPONDENT D/HOLDER THE ATTORNEY GENERAL..... 2nd RESPONDENT DAR ES SALAAM CITY COUNCIL..... 3rd RESPONDENT

RULING

Date of last Order: 15/11/2024 Date of Ruling: 18/11/2024 LALTAIKA, J. When this Application was called for mention on 13/11/2024 the Applicant appeared in person, unrepresented. Messrs. Mpayi Kamara and Mahamoud Mussa, learned Advocates, appeared for the 1st Respondent while Mr. Urso Luoga, learned State Attorney appeared for the 2nd and 3rd Respondents. The Applicant quickly submitted that it had come to his knowledge that the application contained errors that in his opinion were not worthy Page 1 of 3 of proceeding for purposes of clarity of court records. He prayed to withdraw the application. Non of the Counsel for the Respondents objected the prayer. The issue before this Court is twofold: first, whether the application should be withdrawn and second, if the answer is to the affirmative, whether it should be withdrawn without costs. The law provides that an Applicant or Plaintiff is at liberty to withdraw their application at any stage of the proceedings. However, a balance must be struck between the Applicant's right to withdraw and the Respondent's interest, especially when expenses have been incurred in response to the application. Having carefully examined the Court records, I entertain no doubt the Application has been withdrawn at the earliest stage possible. In the upshot, the application is hereby marked withdrawn without an order as to costs. It is so ordered. I. LA LTAI KA JUDGE 18/11/2024 Page 2 of 3 COURT: Ruling delivered in Chambers this 18th day of October 2024 in the absence of parties. Page 3 of 3

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CASE PAGE <https://chat.esheria.ai/case-law/tanzania/withdrawalofapplication-tanzlii-2024>

Prepared on 13 October 2026 · Esheria