

IN THE HIGH COURT OF ZANZIBAR

HOLDEN AT TUNGUU

CIVIL APPLICATION NO. 88 OF 2022

(From Original decree/decreed in Appeal No. 61 of 2021)

SOUD HAJI NDAME APPLICANT

VERSUS

(1) MALENGE OMAR KHATIB

(2) MUHAMED OMAR KHATIB.....RESPONDENTS

RULING

20th December, 2022

S. HASSAN (J)

Before this Court, there is an application for Leave to appeal to the Court of Appeal of Tanzania. When the matter was fixed for hearing on the 20th December, 2022 advocate Amina representing the Applicant made prayers to this court to be allowed to amend the application for the reasons that after they have perused the application they have noticed that the appropriate provision for application for leave section 5 (1) (c) of the Appellant Jurisdiction Act Cap 141 was not stated in the application, hence the application was contrary to the law.

On the other side, advocate Mwanaidi for the respondents objected to the prayers made by applicant's advocate for the reasons that failure of the applicant to name the enable provision does not allow the applicant the right to amend the application because there is no application before the court, the court has not be moved properly. She further explained that section 5(1) (c) of the Appellant Jurisdiction Act Cap 141 empowers High Court to determine the application for leave to appeal, and without it be mentioned in the application, the application can not be heard and therefore she prayed the application to be dismissed with cost.

On her short rejoinder advocate Amina initially maintained her prayers to be allowed to make amendments, but thereafter she had change of hearts and prayed to withdraw the application without cost.

Having heard the submission of both parties and since advocate Amina for the Applicant has conceded and prayed to withdraw the application in hand, this court grants her wishes to withdraw this application for leave to appeal to the court of appeal of Tanzania for the reasons mentioned hereinabove.

This Application is therefore marked as withdrawn and the courts give no orders to cost.

It is so ordered.

Dated this 20th December, 2022.


S. HASSAN (J).