

IN THE HIGH COURT OF TANZANIA

AT DAR ES SALAAM

CIVIL REVISION NO. 27 OF 2005

*(Originating from Civil Case No. 55 of 2003 in the Resident Magistrates' Court
at Kisutu)*

ACE – AUDIT CONTROL EXPERTISE (T) ... APPLICANT

VERSUS

CEK COMPANY LTD RESPONDENT

Date of last order – 8/10/2007

Date of Ruling – 21/12/2007

R U L I N G

Shangwa, J.

This is an application for revision of the decision of the Court of the Resident Magistrate at Kisutu in Civil Case No. 55 of 2003. The decision which is intended to be revised was made by the said Court on 19/3/2003. On that date, the court dismissed the Applicant's application for extension of time to file an application for review of its exparte orders

made on 15/3/2004. Counsel for the Applicant, Mr. Gregory C. N. Lugaila submitted that the decision of the trial court in Civil Case No. 55 of 2003 made on 19/3/2003 is tainted with illegality. He prayed this court to quash it on grounds that the trial court which passed it had no jurisdiction to do so. He said the matters which were involved in Civil Case No. 55 of 2003 are triable by the LART Tribunal. He said also that s. 19 (1) of the LART Act, 1991 gives exclusive jurisdiction to the said Tribunal to hear and determine all matters arising under the said Act and that had the trial court considered the said fact, it would not have hesitated to grant leave to the applicant for enlargement of time to apply for review of its orders.

Counsel for the Respondent Mr. Msemwa submitted that the Applicant's act of filing an application for revision of the trial court's decision in which the Applicant's application for extension of time to apply for review of its order was

refused is totally misconceived in law because the said decision is appealable.

Personally, I agree with Mr. Msemwa that the decision of the trial court made on 19/3/2005 in Civil Case No. 55 of 2003 in which the Applicant's application for extension of time within which to apply for review of its decision made on 8/4/2004 was refused is appealable. This means therefore that this application has no merit. For this reason, I hereby dismiss it with costs.

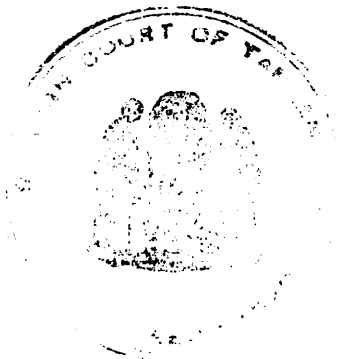


A. Shangwa

JUDGE

21/12/2007

Delivered in Court this 21st day of December, 2007.



A. Shangwa

JUDGE

21/12/2007