

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(IN THE DISTRICT REGISTRY)
AT ARUSHA**

CIVIL REFERENCE NO 06 OF 2017

*(Originating from District Land and Housing Tribunal for Arusha at Arusha, Bill of Costs
No. 174 of 2014)*

**GODFREY MILLION NGOWI.....APPLICANT
VERSUS**

ARUSHA CITY COUNCIL.....RESPONDENT

RULING OF THE COURT

S.M. MAGHIMBI, J:

On the 29/06/2017, the applicant lodged this application, Civil Reference No. 6 of 2017, under the provisions of Order 7(1) of the Advocates Remunerations Order, 2015; GN No. 264 of 2015 praying for orders that:

1. This Honorable Court be pleased to make reference to the Ruling of the Taxing Master of the Arusha District and Land Housing Tribunal,

The applicant was represented by Mr. Efraim Koisenge and Mr. Eugene Nyalile represented the respondent.

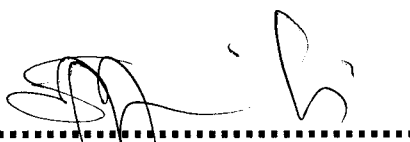
In his submissions to support the application, Mr. Koisenge submitted that the applicant had initially presented for taxation a total amount of TZS 36,051,200/= before the District Land and Housing Tribunal and was awarded TZS 1,214,800/- an amount which he argued as unreasonable, unfair and unjustifiable. He argued that when the application was filed at the Tribunal, the applicable law was the Advocates Remuneration and

Taxation of Costs Rules and currently the applicable law is the Advocates Remunerations Order, 2015; G.N No. 264 of 2015.

I have gone through the record of the Tribunal Bill of Costs No. 174/2014 and the reasoning of the Taxing Master therein. She has elaborated her reasons for each item she taxed and that which she did not tax. For instance, she refused to tax the communication bill which the applicant claimed between TZS 60,000/- to 100,000/- and as correctly reasoned by the Taxing Master, the appellant did not give reasonable explanation why the amount was so huge while he was represented by an Advocate. The retainer fee was also reasonably rejected because as stated in the ruling of the taxing master, there is no law which pays retainer fee of the client, instead, it is the instruction fee negotiated once that is paid to a client. She hence correctly taxed it at 3% of the total amount of the damages claimed. I also see no reason to default the reasoning in the issue of transport as well as the meals, Lunch and breakfast. The records show some varying amount of the lunch and breakfast claim, the variation which is unexplainable. I must comment that the bill of costs tabled before the tribunal was too ambitious and unreasonable. I therefore find no reason to fault the findings of the Taxing Master. Consequently, this appeal lacks merits and is hereby dismissed with costs to be paid to the respondent.

Dated at Arusha this 29th day of August, 2018




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S. M. MAGHIMBI
JUDGE