

IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)
AT DAR ES SALAAM
MISC. CIVIL APPLICATION NO. 624 OF 2016

(From decision of the High Court of Tanzania PC Civil Appeal No. 22 of 2015, which originated from the decision of Kinondoni district Court Misc. Civil Application No. 36 of as it originated from Matrimonial Cause No. 20 of 2011 from Kinondoni Primary Court)

CONSILATI ZENO.....APPLICANT

AND

COLLETA ELIAS MWINSHEHE..... RESPONDENT

Date 23/02/2018

Coram Hon. Muruke, J.

For the Applicant - Present in person

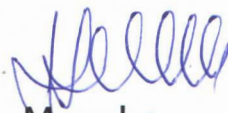
For the Respondent - Present in person

CC: Zawadi

RULING

Applicant filed an application for review of the decision of this court dated 21/05/2015. Main complain is that, there is error on the face of records to the effect that, court ruled that judgment of the District Court was delivered on 10/09/2011 instead of 21/10/2013. Thus, wrongly calculating the period in which appeal is to be filed. Equally, time prescribed by law on appeal originated from matrimonial proceeding is 45 days and not 90

days. These are errors on the face of records that need to be corrected by way of review. Accordingly order dated 21/05/2015 is reviewed to read as follows. Judgment sought to be challenged was delivered on 21/10/2013. Appeal before this court i.e. PC Civil Appeal No. 22/2015 was filed on 05th March 2014. Time prescribed by section 80(2) of the Law of Marriage Act, in Matrimonial Proceedings is 45 days. Thus, appeal is out of time after being filed for more than 4 months from the date of Judgment. Nevertheless, the appeal ie. PC Civil Appeal No. 22 of 2015 is still out of time, accordingly struck out. In the circumstances, application for review is granted, and order read as above. It is so ordered.



Z. G. Muruke

JUDGE

23/02/2018

Ruling delivered in the presence of applicant and respondent both in persons.



Z. G. Muruke

JUDGE

23/02/2018