

**IN THE HIGH COURT OF TANZANIA**  
**DAR ES SALAAM DISTRICT REGISTRY**  
**AT DAR ES SALAAM**  
**MISC. CIVIL APPLICATION NO. 159 OF 2019**  
*(Originating from Misc. Civil Application No. 366 of 2018)*

**GUOMING TANG.....APPLICANT**

**VERSUS**

**CHAMA CHA USHIRIKA WA WAKULIMA  
WA UMWAGILIAJI RUVU (CHAURU).....RESPONDENT**

**RULING**

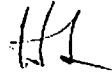
15/10 & 15/10/2019.

**S.M. KULITA, J.**

Advocate for the Applicant concedes with the Preliminary Objection that the application has been filed out of time and prayed to withdraw the same. On the other hand the State Attorney one Mkama Msalama who represents the Respondent argued that as per S.3(1) of the law of Limitation Act [Cap. 89 R.E 2002] the remedy for such wrong is the dismissal of the application with costs and not withdrawal. He therefore prays the matter to be dismissed with costs.

According to the said provision, Section 3(1) of the Law of Limitation Act [Cap 89 RE 2002] the remedy is dismissal of the

application. As the Respondent used to attend the court for this matter and filed a Reply thereto (Counter Affidavit) which is accompanied with the notice of Preliminary. I find he deserved to be awarded costs and I so order.



**S.M. Kulita**

**JUDGE**

**15/10/2019**