

**IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)**

AT DAR ES SALAAM

CIVIL REFERENCE NO. 5 OF 2020

(Originating from Misc. Civil Application No. 28 of 2019)

FAUSTINA AUDAX APPLICANT

VERSUS

NORVATUS DOMICIAN RESPONDENT

RULING

Date of last Order 16/07/2020

Date of Ruling: 16/07/2020

E. E. Kakolaki, J

Before this court the applicant filed an application inviting the court to revise and quash the whole decision in Miscellaneous Civil Application No. 28 of 2019 by Hon. Kihawa, SRM as taxing Master. It was made under Section 7 of the Advocates Remuneration Order, 2015 GNM 264 of 2015. The application was challenged by the Respondent who filed a counter Affidavit contesting its merits. He also filed a notice of preliminary points of objection in that the matter is time barred.

When the application came for mention today on 16/07/2020, MR. COSTANTINE MAKALA learned Advocate for the applicant informed the court that after considering the preliminary objection raised by the respondent the applicant is conceding to it. He therefore prayed the same to be struck out. On the other side MR. GODFREY FRANCIS learned advocate for the Respondent does not object to the applicant's prayer.

Having considered the applicant's submission and the fact that he has conceded to the preliminary objection raised, this court is of the findings that the matter being time barred is improperly before this court. Therefore the application before the court is incompetent and deserve to be struck out.

In the premises, I remain with only one option which is to struck out the application as I hereby do.

I order no costs as no one has prayed for.

It is so ordered.


E. E. Kakolaki

JUDGE

16/07/2020

