

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF SHINYANGA**

AT SHINYANGA

MISC. LAND APPLICATION NO. 40 OF 2018

(Arising the ruling of the High Court of Tanzania at Shinyanga, before Hon. Madam Justice V.L. Makani,J) dated 5th October, 2018 in Misc. Land Application No. 20 of 2016, from Misc. Land Case Appeal No. 32 of 2013; Original Application No. 16 of 2013 of the District Land and Housing Tribunal for Maswa at Maswa)

BUCHAMBI MISOBI.....APPLICANT

VERSUS

JILALA MAGASHI RESPONDENT

(As Administrator of the Estate of the late SHABANI NYANDA, Deceased)

RULING

Date of Last Order: 29th July, 2020

Date of Ruling: 29th July, 2020

MKWIZU, J.:

This application came for hearing ex parte on 16/6/2020. When I was about to compose the ruling, it came into my knowledge that the application contained wrong citations of the enabling provision of the law. I invited applicant to address the court on that issue.

When Mr. Lukas Komba, counsel for the applicant appeared today he readily conceded to the defect. He prayed to be allowed to amended the application by inserting in the chamber summons a proper enabling provision of the law.

Alternatively, he said, application be struck out with leave to refile. As stated earlier, the application contains wrong provision of the law. It is a trite law that wrong citation venders the application incompetent. The application is hereby struck out for being incompetent. However, for the interest of justice leave is granted to the applicant to file a fresh application if he so wishes. The application should be filed within 30 days from the date of today's order.

It is so ordered.

DATED at **SHINYANGA** this 29^h day of July, 2020.



E.Y. Mkwizu
JUDGE
29/07/2020

Court: Ruling delivered in the presence of Mr. Lucas Komba for the Applicant.



E.Y. Mkwizu
JUDGE
29/07/2020